



# A GUIDE FOR CONSULAR AND EMBASSY STAFF ON CROSS-BORDER CHILD WELFARE

[question@iss-usa.org](mailto:question@iss-usa.org) | 443-451-1219 | [www.iss-usa.org](http://www.iss-usa.org)



Providing solutions for cross-  
border cases in the best  
interest of children.

# Purpose of this Guide

An increasing number of foreign and/or dual national children are entering, or are at risk of entering, the U.S. foster care system.

This guide is intended to help you:

- Understand how consular offices can support your citizen children in the U.S. foster care system
- Outline the resources available to help consular offices support their citizens children under state or federal protection
- Assist families looking to reunite
- Assist on cases involving vulnerable adults



## Who We Are

ISS-USA is a direct service organization providing case management services in support of decisions in the best interest of the child. We partner with government and non-government child welfare entities in the U.S. and around the world to provide services to children and families separated by borders.

### Child-Centered Approach



The ISS network maintains a child-centered approach to all service provision. All of our services are specific to the circumstances of each individual child so that the stakeholders can connect each child to the particular services and resources she needs to safely and sustainably reintegrate.

### Best Practices



ISS-USA works to provide key stakeholders in child protection with everything they need for informed decision-making in permanency planning in the best interest of the child.

# Who We Serve

## Children Served by ISS

- U.S. citizen or foreign born children in the care of public child welfare systems
- Immigrant children in removal proceedings
- Unaccompanied minors wishing to voluntarily reunify with family in their home country
- U.S. citizen or foreign born children separated from parents after deportation
- Parentally Abducted Children
- U.S. citizen or foreign born child victims of trafficking

## Adults Served by ISS

- Vulnerable adults at risk of physical, emotional or financial abuse.
- Vulnerable adults at risk of neglect or abandonment



# Where We Work



# Understanding the Dual U.S. Foster Care System

## Federal Foster Care

### Oversight

Administered by the Office of Refugee Resettlement (ORR).

### Which Children

Children who are apprehended as an unaccompanied minor or children separated by their families at the U.S. border and subsequently categorized as unaccompanied. \*\*

\*\*Canadian Citizen and Mexican Citizen children will not be taken in to custody. They will be immediately returned at the border.

### Responsibilities

Under the Flores Agreement ORR must release children to the least restrictive setting as quickly as possible. Private, licensed child care agencies are subcontracted by ORR to provide further case management services while seeking a sponsor to serve as an appropriate caregiver. Other children are placed in long term foster care placements.

### Immigration Implications

Once a child has been released by ORR they no longer have a responsibility for the child.

## State/ County Foster Care

### Oversight

Administered at the state or county level. receives some federal funds under Title IV-E of the Social Security Act to provide services to eligible children in foster care.

### Which Children

Any child within their jurisdiction who is in need of care. Children may be placed in foster care because of abuse, neglect, or abandonment. They may also come in to care if their parents are the subject of immigration enforcement.

### Responsibilities

States are responsible for the care and protection for every child regardless of that child's immigration status or nationality. States are responsible for short- and long-term planning. U.S. federal law requires that states have 30 days to notify families that a child has been taken into care.

### Immigration Implications

Some states have required their child protection systems to report any child who they suspect are undocumented to Immigration and Customs Enforcement (ICE). In some cases, ICE may detain children in ICE detention facilities. Cases of undocumented children who enter state/county foster care are not eligible to receive reimbursement through Title IV-E. States incur the full cost of providing foster care to these children.

# How the Consulate Can Serve Children in the Federal and State Child Welfare Systems

## Federal

### Receive Consular Notification

If your country **has mandatory consular notification** and a citizen child is apprehended at the U.S. border and placed in the care of the Office of Refugee Resettlement (ORR), they are required to notify you.

ORR is also required to:

1. Inform the child that she can contact her consulate and provide the means to do so.
2. Allow a consular office to visit the child as soon as reasonably possible.



If your country **DOES NOT have mandatory consular notification**, you may not receive a notice.

However, ORR is also required to:

1. Make reasonable efforts to locate the child's parents or legal guardian to get permission for the child to have a visit with a consular officer.

If a parent or legal guardian is not available within 72 hours of the child being placed in detention the ORR staff can "assume" authorization.

The child can refuse a consular visit if she is claiming asylum or credible fear.

**Countries with mandatory consular notification:** Albania, Algeria, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Barbados, Belarus, Belize, Brunei, Bulgaria, China (including Hong Kong and Macao), Costa Rica, Cyprus, Czech Republic, Dominica, Fiji, Gambia, Georgia, Ghana, Grenada, Guyana, Hungary, Jamaica, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Malaysia, Malta, Mauritius, Moldova, Nigeria, Philippines, Poland, Romania, Russia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Singapore, Slovakia, Tajikistan, Tanzania, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Ukraine, United Kingdom, Zambia, and Zimbabwe.

# Children's Services While in Foster Care in the U.S.

## State or County

If you are notified that a citizen child from your country has been taken into the state/county foster care system, the *child has rights* regardless of citizenship status:

### 1. Family Notification

Under the Federal Fostering Connections Law, the child's family must be notified that she is in custody within 30 days. This includes all her extended family and her parents. There is no geographical limitation on where these notifications must take place.

You can assist the agency with locating family in your home country. ISS-USA can also help the agency trace family in the child's home country.

### 3. Family Assessment

Children have the right for their family members to be assessed as caregivers. It is best practice to insist that the child's family home be assessed for suitability of a permanent placement in a timely manner.

Contact ISS-USA about doing a home study in your home country.

### 2. Family Participation

The child's family must be offered the opportunity to plan for the child's permanency placement.

Contact ISS-USA for assistance with setting up virtual attendance at court hearings and family team meetings.

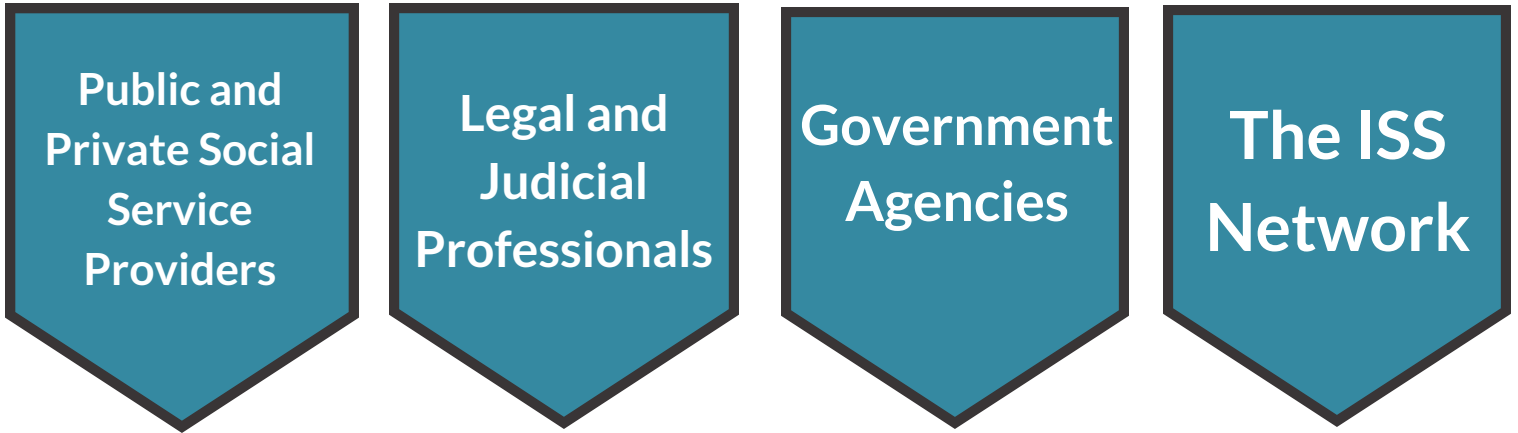
### 4. Travel Preparation

You should make sure the child has all appropriate documentation to be safely returned home, including their passport.

If you are working with a U.S. child welfare agency to help repatriate a child, contact ISS-USA about the travel assistance checklist to make sure documentation needs are met.



# Who Our Work Supports



Services for Permanency Planning for Children in Foster Care	Services for Children Seeking Immigration Relief	Services for Children Repatriating and Reintegrating in their Home Country
<ul style="list-style-type: none"> <li>• Person and Document Tracings</li> <li>• Family Finding and Engagement</li> <li>• Home Studies</li> <li>• Background Checks</li> <li>• Community and Child Resource Surveys</li> <li>• Facilitation of Family Participation</li> <li>• Post Placement Services</li> <li>• DNA Testing</li> <li>• Psychological Evaluations</li> </ul>	<ul style="list-style-type: none"> <li>• Vital Document Tracing</li> <li>• Criminal Background Checks</li> <li>• Child and Community Resource Surveys</li> <li>• Forensic Interviews for Family in Country of Origin</li> <li>• DNA Testing</li> </ul>	<ul style="list-style-type: none"> <li>• Person and Document tracings</li> <li>• Family Finding and Engagement</li> <li>• Home Studies</li> <li>• Background Checks</li> <li>• Child and Community Resource Surveys</li> <li>• Facilitation of Family Participation</li> <li>• Post Placement Services</li> <li>• Travel Preparation and Assistance</li> <li>• Ongoing Services by ISS Partner in Country</li> </ul>



# ISS-USA Services to Support Child-Centered Permanency & Reunification Efforts

## Children's Services

- 1. Child Welfare Check:** A check on a child in another country when there is no immediate allegation, or suspicion, of abuse or neglect, or concern, about the child's well-being in the form of a brief written report as to the child's health, safety and well being (school enrollment, adjustment to the new country, etc., may be included).
- 2. Child and Community Resource Survey:** This report will address the availability of specialized medical, psychiatric, occupational or educational services that the child, or family member, requires in order to live safely and/or develop appropriately.
- 3. Criminal Background/ Child Abuse Registry Check:** An official report from the country when available. When a background check is not available, a written statement on ISS letterhead noting the results of the check.
- 4. Document Tracing (birth, death, etc.):** Searching for, and obtaining copies of, any number of documents: birth certificates, death certificates, marriage certificates, adoption records.
- 5. Document Tracing for Records Supporting Claims of Abuse, Domestic Violence or Trafficking:** Location of documents to support allegations of abuse, including hospital records and arrest records.
- 6. Facilitation of Cross-Border Family Team Meetings, Legal Consultation, Visitation, or Court Appearances:** ISS case managers act as a liaison to help family members outside the U.S. participate in meetings and/or court hearings related to permanency planning or visitation for a child. This includes ensuring that the family member understands what to expect, helping to prepare the relative to be an active participant, assisting with logistics, and being part of the meeting/hearing as applicable to facilitate communication and understanding.



**7. Family and Professional Interviews for Verification of Abuse or Trafficking:** Sworn statements by individuals who know the client in their professional capacity as a service provider and/or relatives supporting allegations of domestic violence, abuse or neglect, or trafficking.

**8. Home Study for Parental Custody of Reunification:** Home study completed on a non-custodial parent to determine if the person would be interested, able, and appropriate to care for, and resume custody of that child, including information about the parent as well as the living environment, financial stability and other applicable information.

**9. Home Study for Possible Relative Placement or Visitation:** Home study completed to determine if a relative would be interested, able and appropriate to care for the child temporarily or permanently, or for visitation. If the placement is intended as an adoption, please see the definition of "home study for adoption" below.

**10. Mediation:** Coordinating mediation services for custody/visitation, child support, child abduction, or other cross-border child and family conflict issues.

**11. Post Placement Follow-Up:** Routine check on a child who was placed by means of adoption or kinship placement in another country through ISS or a public child welfare agency, including a brief written report as to the child's health, safety and well-being, and how they are adjusting to being in a new environment.

**12. Protective Service Alert:** A report to local social services or law enforcement about a child in immediate danger of abuse or neglect.

**13. Relative Tracing-Family Notification:** Locating a family member to notify him/her of a family matter, to re-establish contact or to assess interest in moving forward with other ISS Services, including the contact information of the person, if the person is found.

**14. Relative Tracing-Termination of Parental Rights (TPR):** Locating a parent to serve TPR\*. If the person is found, the documents will be served to the person with an explanation of what they are, and the resources available for the parent, including notification of the date that the papers were delivered.

*\*Legal documents must be provided to ISS in the person's native language*

**15. Relative Tracing-Other:** Locating a relative for a reason other than those listed above, including the contact information of the person, if the person is found.

**16. Travel Assistance for Visitation or Placement:** ISS-USA will work with the domestic case worker to arrange for travel to, and around, the foreign country for visitation or to place a child.

## Adult Services

- 1. Vulnerable Adult Protective Service Alert:** A report to local social services or law enforcement about a vulnerable adult in immediate danger of abuse or neglect
- 2. Vulnerable Adult Welfare Check:** A check on a vulnerable adult in another country when there is no immediate allegation, or suspicion, of abuse or neglect or concern about the adult's well being.

## Training and Technical Assistance

ISS-USA provides a broad range of trainings to social service and legal and judicial professionals. Training and technical assistance is also available to government agencies, embassies and consulates.

To ask a question or request a training please go to: [www.iss-usa.org/contact](http://www.iss-usa.org/contact) and complete the inquiry form.

To refer a case please go to: [www.iss-usa.org/contact/refer-a-case](http://www.iss-usa.org/contact/refer-a-case) and complete the referral form.



**International  
Social Service  
USA**

[question@iss-usa.org](mailto:question@iss-usa.org) | 443-451-1219 | [www.iss-usa.org](http://www.iss-usa.org)