

Kinship Caregivers & Families Facing Immigration Issues Infosheet

The detention & deportation of parents & caregivers can have ripple effects on child well-being. Fear of immigration enforcement is a continual stressor for millions of undocumented parents, children, & extended family members - [What do child welfare leaders need to know about supporting families when caregivers are facing immigration-enforced detention or deportation?](#)

Knowing Your Rights When Seeking Legal Guidance:

What Protections do Undocumented Caregivers/Parents of Children in America Have in Nevada?

- **Child Welfare Protections:** Nevada law protects children, regardless of their immigration status, from abuse, neglect, & exploitation. The state's Child Protective Services (CPS) cannot discriminate based on immigration status when investigating child welfare cases (**NRS Chapter 432B**)
- **When a parent has been detained or deported:** Child protection agencies are required to make reasonable efforts to reunify families & support parents seeking to remedy the conditions that brought their children into foster care, even when the caregivers have been detained and/or deported (**Adoption & Safe Families Act: ASFA**)
- **Immigration status, detention, & deportation** do not affect parents' rights & constitutional interest in the care, custody, & control of their children. Termination of parental rights requires a determination of parental unfitness (Fundamental right of the **Due Process Clause of the Fourteenth Amendment of the U.S. Constitution, NRS 128.105, & NRS 126.036**)
- **Detained & deported parents** have procedural due process protections, including the right to participate in hearings & have legal counsel (**Due Process Clause of the Fourteenth Amendment of the U.S. Constitution**)
- **Parental deportation** does not constitute abandonment (**NRS 128.012**)
- **If you are caring for a relative's child** (kinship care) but are undocumented, you still have rights including rights to provide for that child. You can pursue legal guardianship or temporary custody, though this process may require legal support to ensure your rights are protected (**NRS 159 [A.0455] & Title IV-E of the Social Security Act**)

Learn More:

The Child Welfare System Guidance for Immigrant & Refugee Families (Español/Spanish)

- More information to help immigrant & refugee families involved in the Child Welfare System (CWS) understand the CWS & your rights, how to protect your family, & advocate for your rights: https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/familias_inmigrantes_refugiadas_sistema_bienestar_0.pdf?VersionId=9Tjs2nrN3xzI48X.YfUaliUCF_j_jwwV

Facing Deportation & Separation?

- [Resources for Families Facing Deportation & Separation | Women's Refugee Commission](#) (Español/English): Practical guides on parental rights, safety planning, child welfare in the context of deportation, steps to prevent family separation, how to navigate the intersection of immigration enforcement & the child welfare system, & strategies for protecting parental rights during detention or deportation. The resources include toolkits for migrant parents facing unique challenges & information on how to keep families united despite legal challenges
(URL: <https://www.womensrefugeecommission.org/research-resources/resources-for-families-facing-deportation-separation/>)
- <https://www.immigrationlawhelp.org/>: Search engine website to help low-income immigrants find legal help

Caring for Undocumented Children?

- Seek legal guidance for options like a *Special Immigrant Juvenile (SIJ)* status & path to lawful permanent residence: [Immigration Relief for Abused Children](#)
(URL: https://niwaplibrary.wcl.american.edu/wp-content/uploads/PED.SIJ_1015_Brochure_M-1114B_Revised_05.19.16.pdf)
- [Special Immigrant Juvenile Status: Information for Juvenile Courts](#)
(URL: <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/IMM-Gov-USCISInfoJuvenileCrts.pdf>)

Additional Resources:

- Noncitizens constitutional rights & protections, printable Red Cards & about Red Cards: [Red Cards / Tarjetas Rojas - ILRC](#) (URL: <https://www.ilrc.org/red-cards-tarjetas-rojas>)
- How families can use Red Cards *if you're approached by ICE*:
https://www.ilrc.org/sites/default/files/resources/red_cards-how_to-culture_strike_illustrated_0.pdf
- <https://niwaplibrary.wcl.american.edu/mats-legal-services/> for more legal services/information for all Immigrant survivors & more policy/regulations to know

Resources for [Helping Professionals](#) Working with Immigrant Families:

- For more information on families & caregivers facing immigration-enforced detention or deportation & their rights: <https://www.casey.org/immigration-resources/> & PDF version: https://www.casey.org/media/20.07-QFF-SF-Immigration-resources_fnl.pdf
- Statistics about [U.S. Citizen Children Impacted by Immigration Enforcement](#)
(<https://www.americanimmigrationcouncil.org/research/us-citizen-children-impacted-immigration-enforcement>)
- If you are a *service provider seeking technical assistance*, contact NIWAP at (202) 274-4457. Website: niwap@wcl.american.edu - They can also provide resources/directory of all organization working with immigrant victims
- Are you a *professional that needs to make an Inquiry*? See "Contact Us"
<https://www.american.edu/wcl/impact/initiatives-programs/niwap/>
- For manuals & trainings to better serve immigrant & undocumented families including, Interviewing & Safety Planning for Immigrant Victims of Domestic Violence: [Manuals - NIWAP Library](#)
(<https://niwaplibrary.wcl.american.edu/manual/#>)