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CALIFORNIA SETS NEW NATIONAL STANDARD IN THE CARE AND PROTECTION OF ALL CHILDREN IN STATE-LICENSED FACILITIES, REGARDLESS OF STATUS

October 18, 2021 – Today, children’s rights and immigration advocates applauded Governor Newsom’s signing of Assemblymember Robert Rivas’ Assembly Bill 1140, the Unaccompanied Immigrant Children Protections Act, which positions California as a national leader in the effort to ^{ensure} guarantee all children receive the same care and protection of personal rights in state-licensed settings, regardless of immigration or custodial status.

Each year, thousands of unaccompanied immigrant children come to the United States seeking safety, with more immigrant children who arrived unaccompanied by a parent or guardian present in California than any other state in the country. These unaccompanied children are temporarily placed, in accordance with federal law, into the custody of the U.S. Department of Health and Human Services Office of Refugee Resettlement (ORR) in state-licensed childcare facilities. They remain in these facilities until their release to an ORR-vetted family member can be secured or until they can be placed into long-term foster care, while the children’s immigration cases proceed through immigration court.

Approximately 2,500 unaccompanied children are held in ORR custody annually in California-licensed facilities. Between Fiscal Year 2015 and Fiscal Year 2021, 40,221 unaccompanied children were released from ORR custody to sponsors and family members in California.

The Unaccompanied Immigrant Children Protections Act confirms that unaccompanied immigrant children placed in licensed ORR facilities in California will receive the same protections and relevant support as other California children in state-licensed settings by clarifying the California’s Foster Care Ombudsperson’s jurisdiction and responsibility to oversee, investigate, address and seek to resolve violations of children’s rights in these state-licensed ORR facilities, regardless of immigration status.

With this bill, unaccompanied immigrant children in federal immigration custody held in California state-licensed facilities are guaranteed access to the California Foster Care Ombudsperson’s resources and advocacy and must be treated in accordance with California’s Foster Youth Bill of Rights. The passage

of this bill is crucial given the need to ensure the protection of these children's interests, health, and welfare--all made more challenging to realize during the current pandemic. California is a national leader in welcoming everyone with dignity and the Unaccompanied Immigrant Children Protections Act sets a new standard for protecting the thousands of children who flee their countries of origin to escape poverty, persecution, abuse and violence alone each year.

AB 1140 was sponsored by Immigrant Defense Advocates (IDA) (co-sponsor); Immigrant Legal Resource Center (ILRC) (co-sponsor); Kids in Need of Defense (KIND) (co-sponsor); Legal Services for Children (LSC) (co-sponsor); National Center for Youth Law (NCYL) (co-sponsor); Vera Institute of Justice (co-sponsor); and Youth Law Center (YLC) (co-sponsor).

Quotes from elected officials and organizations:

Assemblymember Robert Rivas (D-Salinas), author of the bill:

"Thousands of unaccompanied children cross our border fleeing poverty and violence, and many of them are temporarily taken into federal custody in state-licensed childcare facilities. California's foster care system lacks explicit protections for unaccompanied immigrant children, which leaves them particularly vulnerable. AB 1140 addresses this vulnerability by clarifying the law to guarantee that this group of children will not be overlooked and underserved by the State during a time of desperate need."

Melissa Adamson, Attorney, National Center for Youth Law:

"As counsel representing all children in federal immigration custody, we have seen firsthand how the lack of adequate oversight can compromise the quality of care that unaccompanied children receive. We applaud the Governor's signature of AB 1140, which clarifies California's role in protecting the safety and welfare of these vulnerable children and commitment to serving as a national leader on this issue."

Jackie Gonzalez, Policy Director, Immigrant Defense Advocates:

"California must do everything in its power to protect those who are fleeing persecution and violence and seeking refuge in our state. AB 1140 is an important step in guaranteeing that unaccompanied immigrant children have the same rights and protections as everyone else who calls California home."

Maria Ramiu, Senior Staff Attorney, Youth Law Center:

"All children in out-of-home care in California, regardless of the governmental entity responsible for their placement, should be treated equitably and receive the protections required of state approved children's residential care settings. AB 1140 extends to children placed by federal immigration in any residential setting under California oversight the protections unaccompanied children need to be safe, heal, and thrive."

Shaina Aber, Deputy Director, Center on Immigration and Justice, Vera Institute of Justice:

"California has set a new standard in protecting the rights of unaccompanied immigrant children held in California-licensed foster and residential facilities while in federal custody. Thanks to this bill, sponsored by Assemblymember Rivas, immigrant children will be guaranteed the same protections and ability to address concerns as any other child in California-licensed care. Vera applauds Governor Newsom for signing into law a moral commitment to ensure *all* children receive the same treatment, protection, care and ability to vindicate their personal rights, regardless of who they are or where they come from."

Cindy Liou, State Policy Director, Kids in Need of Defense (KIND):

“All children regardless of legal status, deserve to thrive. Unaccompanied children deserve equal enforcement of their rights, protections, and access to services. AB 1140 will build upon the resiliency of these children and the Foster Care Ombudsperson's Office's services to help unaccompanied children in California live healthier and safer lives.”

Rachel Prandini, Staff Attorney, Immigrant Legal Resource Center (ILRC):

“This law will help ensure that all children in California, regardless of their immigration status, receive the compassionate and humane care they need and deserve. We hope other states adopt similar measures, and we hope the Biden-Harris Administration will use this law as a blueprint in federal legislation regarding care of immigrant children.”

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