

California Social Work Education Center

C A L S W E C

**ETHNIC SENSITIVE
CHILD WELFARE PRACTICE**

VIDEOTAPE SERIES GUIDE

*Emilio Orozco, MSW
Graduate Student Researcher*

*Sherrill Clark, MSW, PhD
Associate Curriculum Specialist*

*California Social Work Education Center
University of California at Berkeley
School of Social Welfare*

1997

TABLE OF CONTENTS

	Page
Videotape 1 Background on Ethnic Sensitive Practice	1
Videotape 2 Legal, Psychological, and Social Issues Facing New Immigrants	4
Videotape 3 Assessment and Intervention Issues with Minority Families	28
References	33

VIDEOTAPE #1

BACKGROUND ON ETHNIC SENSITIVE PRACTICE

VIDEOTAPE #1 BACKGROUND ON ETHNIC SENSITIVE PRACTICE

This section provides a series of suggested discussion questions, small group exercises, and written reports that can be used in conjunction with this videotape, which discusses important ethnic sensitive practice themes that child welfare workers should consider when providing services to individuals of color.

This program can be used in *Direct Practice Methods* and *Human Behavior in the Social Environment* courses.

1. How would you define the differences between “culture,” “ethnicity,” and “race,” as suggested by the film? **Discussion question.**
2. The use of the term “Hispanic” is not representative of all Spanish-speaking groups and can be compared to “Oriental” to refer to Asian groups because it lumps all members together without regard to country of origin, potentially ignoring important social or political issues distinct to a particular country. Since the Nixon Administration (Acuna, 1988) coined the term in order to create (and inaccurately portray) a homogenous, prosperous, middle-class Latino group, there have been struggles among the various Spanish-speaking populations against being labeled as such. Can harm be done by generically labeling all Spanish-speaking clients as “Hispanic,” and why is it important to clarify this when gathering a client’s psychosocial history? **Discussion question.**
3. Think of your own cultural and ethnic background. How do the values and norms of respect, harmony, cooperation, hierarchy, and collectivity fit in with your family? Have they ever caused personal conflicts when working with clients from different backgrounds and, if so, how were you able to effectively deal with the situation? **In-class exercise, small group exercise.**
4. Present a case that you are currently following. Include information on working with that family in an ethnically sensitive manner. What works? What does not work? In your opinion, has this family received the appropriate level of service? What could have been done differently for a more effective level of ethnically sensitive service? **Written exercise.**
5. Reframing is often vital for eliciting client participation and problem solving. Why is this particularly true when working with ethnically and culturally diverse

populations? Discuss instances where you have had to reframe a particular situation in order to achieve results. **Provide examples.**

6. Because of the large Spanish-speaking population in California, should Spanish-language classes be required of social workers? **Debate/discussion.**
7. Failure to achieve clients' full, willing participation may result in passive-aggressive struggles, superficial compliancy, or other resistance behavior. Casework relationships determine the level of active client participation and trust. **Exam or debate.**
 - Why are service delivery design, relationship protocol, and professional self-disclosure so vital to developing and maintaining a positive working relationship with clients?
 - Do any of these conflict with ethnic sensitive practice? Any special challenges working with non-voluntary clients, as in public child welfare?
8. Increasingly, "family" is being defined in many different ways. Today, it is not uncommon for same-sex partners to raise children. Imagine that you have just received a referral to a family that consists of two African American women raising a daughter. Will you treat this case differently from any other case? What considerations must be made? How will you make certain that the decisions you make are not based upon assumptions? Will the goal in this situation be to reunify the family?
9. **Case Presentation #1 by Oralia Bermudes, Deputy Director of La Familia Counseling Center:**

Priorities: As the social worker is working with the parents of this 8-year-old girl, is she still being forced to wear diapers? How does the social worker get a sense of timing? How does one weigh the risks and assess one's own cultural sensitivity in the process? If you were working with this family, what steps would you take?
10. **Krishna Samantrai, Professor, Division of Social Work, California State University, Sacramento:**

Where does one learn of different cultures' values? Is it necessary or even possible to know about every culture? Within each culture, are all people alike? Where does one begin?
11. Immigration and multiculturalism are greatest in California and increase annually, yet despite the cultural diversity, racial conflicts continue to escalate. Wouldn't it seem logical that with time, "tolerance" of cultural and ethnic differences would increase with the continued presence of that particular group? **In-class debate or exam.**

VIDEOTAPE #2

**LEGAL, PSYCHOLOGICAL, AND SOCIAL ISSUES FACING
NEW IMMIGRANTS**

VIDEOTAPE #2 LEGAL, PSYCHOLOGICAL, AND SOCIAL ISSUES FACING NEW IMMIGRANTS

This section includes outlines of (a) the panel discussion presented by Bruce Kennedy, Chief of Refugee and Immigration Programs Bureau, California Department of Social Services; and Thuan Nguyen, Manager of Community Liaison, Refugee, and Immigration Programs Bureau, California Department of Social Services, and (b) the research findings of University of California at Davis academics, Dr. Michael Smith, professor and political scientist, and Dr. Bernadette Tarallo, lecturer and research sociologist.

In addition, a fact sheet is included that lists the numbers and types of immigrants in the U.S. in 1994, definitions of the types of immigration, and overviews of major U.S. legislation relating to immigration since 1980. An additional section is provided listing the effects of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 on immigrants and their families.

OUTLINE OF PANEL DISCUSSION

Bruce Kennedy, *Chief of Refugee and Immigration Program Bureau, California Department of Social Services*

All immigrants tend to be lumped together into one single category.

- I. Documented/undocumented immigration is the largest.
 - A significant minority comes in with student visas, temporary work visas, or tourist visas, and never leaves.
 - A majority of immigrants who enter the U.S. or cross the border are undocumented.

II. California

- 40-50% of total U.S. number of illegal immigrants.
- Overall, represents 12% of total U.S. population.
- 68% of all immigrants come from Latin America and tend to come to California.
- 30% comes from Mexico.
- Others come from El Salvador, Guatemala, Philippines, Canada, Poland, and Haiti.

Largest category of documented immigrants is termed “legal.” There are two types of “legal” immigration.

I. Legal immigration.

- 30-40% of legal immigrants settle in California
- From around the world.
 - Immediate relative.
 - Family sponsored.
 - Employment related.
- Sponsoring/Deeming:
 - Income/resources of sponsor deemed available to applicant.
 - Frequent breakdown on agreement due to acculturation differences.
 - After three years, eligible for public assistance. Needed as older are unable to work.

II. Humanitarian immigration.

Over the last several years, this “Family Reunification Program,” has been bringing together people who are the families of refugees or those who have resettled. This program is administered through the Department of State, which means that it is an implementation of foreign policy and has political and historical implications, and is intended to allow special considerations to individuals who have suffered in the past under Communist regimes.

- Categories:
 - Refugee.
 - Asylee. (Status of refugee vs. asylee: the former are chased out, the latter choose to leave.)
 - Parolee.
 - Temporary Protected Status.

The current refugee program dates from the fall of South Vietnam in 1975. Limited refugee activities before the fall of Vietnam. Increase in program and support after 1980.

1980 Refugee Act

- Provided structure and support to the refugee program.
- Series of programs for support, establishing bases for current program.
- Entrant determination made largely by the Department of State and is limited to 50,000 annually, unless Congress approves higher. Congress has admitted 120,000 nationally in the past four years; 35% are in California.

Refugees eligible for all assistance and support services

- AFDC (AFDC has been eliminated. Refer to Fact Sheet beginning on page 15 for additional information.
- SSI.
- Food Stamps.
- Other benefits designed to ease the transition into the United States.

Refugees are largely from Southeast Asia, but this is changing: The largest entry group, half of all to the United States, has been from the former Soviet Republic.

Undocumented immigrants

I. Eligible for limited services.

- Emergency medical services - Follows international law of reciprocity.
- Can participate in school system.
- Prenatal and delivery services (in California)
- Can participate in systems paid into (e.g., employee benefits such as health).

II. Not eligible for...

- Income support or public provisions of services.
- Federal assistance.

Thuan Nguyen, *Manager of Community Liaison, Refugee, and Immigration Programs Bureau, California Department of Social Services*

Ms. Nguyen entered the United States in 1975 as a refugee from Laos. She attributes the hardships she experienced to conflicting values of family and dominant society and to being forced to operate under different values at school, at work, and at home.

What will be presented here are issues common to the refugee's experience, and cultural differences between Laotian and United States citizens.

I. Identity Crises.

- Leads to confusion and uncertainty about the future.
- More common among the younger generation than the older.
 - Must adjust to new situations at school.
 - Older tend to retain values longer. Unsure of what to let go of and that letting go is sometimes necessary for survival.
- Coping - Youth must be two different people, depending on whether they are at work, school, or at home.

II. School.

- U.S. and country of origin have very different education systems.
 - In U.S., students are grouped by age.
 - In Laos, students are grouped by skill.
- Consequences of conflicting education systems.
 - Creates a situation where the student begins to feel inferior because she or he is unable to take part in, or keep up to, the level expected.
 - Contributes to delinquency.

III. Family.

- Alienation.
 - If educated, parents can help child with schoolwork.
 - If uneducated, unable to be involved with child's education.
- Parents' language ability can contribute to other situations.
 - Role confusion - Children must serve as interpreter for family at doctor, school, etc...
 - Delinquency - Easy to hide things from parents when they do not understand English.

IV. Corporal punishment.

- Cultural differences.
 - Corporal punishment is acceptable in Laos.
 - It is not acceptable in the United States.
- Sense of powerlessness.
 - Parents may feel that they have lost their parental authority over children.
 - Exacerbated by the fact that parents do not know language or culture.
- Education about discipline.
 - Refugee community is against Children's Protective Services for their lack of cultural sensitivity.
 - Understanding the role that corporal punishment has in other cultures and societies.
 - Educate parents about the role of, and the consequences of, discipline in the United States, rather than immediately removing child from the family.

V. Work.

- Impact of language skills. Even if highly educated, unable to secure a job that is commensurate with skill if not fluent in English language.
- Impact of formal education.
 - The poorer the education, the longer it takes to be integrated into economic society.
 - Living in rural area, often no concept of written languages. Those individuals from slash-and-burn agricultural communities will begin at lower levels.
- Working conditions--vary depending upon education level, skills, and language.

VI. Post Traumatic Stress Disorder

Adjustment to new country will be difficult if the immigrant:

- Went through killing fields in Cambodia.
- Was a POW in Vietnam.
- Experienced horrendous conditions in the refugee camps.
- Is a woman raped by Thai pirates (often with family as witnesses).

The act of immigrating/emigrating itself is very stressful. Imposed stresses create mental health issues that can impact anybody in terms of integration into society, and lead to depression, alcoholism, and gambling. Education level or whether the immigrant is a refugee or not do not affect whether the immigrant will be stressed.

Expectations common among immigrants.

- Older generation.
 - See children have a better future.
 - Returning home one day.
- Younger generation.
 - Dream of becoming what they do not have the opportunity to become in country of origin.
 - If families are unsuccessful in the U.S., dream of one day returning home and reclaiming country.

When family is separated, programs attempt reunification. Some are successful others are not.

- Creates family problems and tensions because separated individual has often created a new family.
- Differences arise that create difficulty living together.

OUTLINE OF RESEARCH FINDINGS

Michael Peter Smith, Professor, Political Scientist, UC Davis

Bernadette Tarallo, Lecturer, Research Sociologist, UC Davis

California's Changing Faces: New Immigrant Survival Strategies and State Policy

Conducted 170 in-depth interviews at level of head-of-household—male and female adults. This study was carried out in Northern California to compare the results with the controversial cost and cost-benefit studies previously conducted in San Diego and Los Angeles. This was an ethnographic study, using a trained multicultural, multilingual research team composed of undergraduate and graduate students.

Goal

Evaluate what is needed and why it is needed to provide appropriate services to documented and undocumented individuals and families.

Population

- Chinese and Mexican immigrants in Sacramento

- Vietnamese and Mien refugees in Sacramento
- Undocumented refugee Salvadorans in the Mission District of San Francisco

Legal Issues

I. Central Americans have the largest undocumented status. Undocumented Salvadorans:

- Not entitled to services.
- Did not receive any services.
- Did not seek services due to fear of deportation back to a country that had been plagued with war for 12 years and had no economy to return to.

II. Policy.

- The U.S. determines if group as a whole receives refugee status. Depends on U.S. policy with country of origin.
- Asylee status. Pressure on the U.S. by refugee and immigrant rights organizations.

Largest group interviewed were undocumented and were not applying for asylee status out of fear of government involvement, therefore living a clandestine existence.

Psychological Issues

I. Informal social support, friendship, kinship, regional networks. Ideological differences.

- Youth adapt to U.S. at a more rapid rate than older generation, creating inter-generational stresses.
- Family members in U.S. first have difficulty identifying with newcomers.
- Undocumented have additional stress because they have no protection (legal, economic, familial support). Some families threaten to report undocumented family members to the INS.

II. Mental Health Issues.

- Post Traumatic Stress Disorder. Violent Acts.
 - Southeast Asian women sexually assaulted in refugee camps.
 - Mexican women sexually assaulted while crossing border.
 - Men held as prisoners in war camps while serving in military during periods of war.

- Adjustment to new country.
 - May result in severing family relationships.
 - Inability to obtain and maintain employment.

Social Issues

I. Social Programs. Greater Avenues for Independence (GAIN). Workfare Program. *Linkage between public cash assistance and acquiring English language programs tied to job placement programs.*

- Mandatory AFDC eligibility. (AFDC has been eliminated. Refer to Fact Sheet beginning on page 15 for additional information.)
 - Employment-directed training and education.
 - Instruction in English as a Second Language (ESL).
 - Provided employment services, as needed.
- Full range of supportive services
 - Childcare.
 - Transportation assistance.

II. Country of origin generally patriarchal.

- Renegotiation of roles (husband and wife).
 - Women.
 - Increased need to participate in the U.S. labor market.
 - Greater sense of self-sufficiency.
 - Men.
 - Participation in housework increased by minimum.
 - Frequently responsible for food shopping.
 - Often employed.
 - Relieved of being the sole breadwinner.
- Effects of change to traditional structure of relationship.
 - Domestic violence.
 - Divorce
 - Emasculating experience for men.

III. Efficacy of Programs.

- One third of participants are successful/employed.
 - Competency of instructor is a determining factor.

- Language.
 - Cultural.
- Half of this population originated from urban areas.
- Two thirds are unsuccessful/unemployed.
 - Male Mien in publicly assisted households had been connected to unsuccessful ESL programs and incompetent instructors.
 - Not fluent in language.
 - Instruction does not consider culture-specific needs.
 - Skills held prior to arrival
 - Formal education worthless without English skill.
 - Lack of applicable trade skills.
 - Originated from slash-and-burn agricultural societies.

IV. Scrutiny and implications of programs.

- Wasted human resources. Mediate language gap to increase chances of success. Education and trade skills without successful language acquisition render it impossible to succeed.
- English skills.
 - More important to immigrants than legal status.
 - Do not want to be identified as “other.”
 - Ticket into mainstream.
 - Avenue out of enclave with limited career path.
 - Non-English-speaking are dependent on bilingual family members.
 - Children are forced to assume parental roles in public settings.
 - Resentment over forced dependency.
 - Feelings of loss of parental authority.
- Synthesis sought. Incorporation of traditional and Western norms and values. Avoid separatism.

Policy/Program Recommendations

- I. **Universal health-care:** People are forced to remain on AFDC in order to qualify for Medi-Cal coverage.
- II. **Flexible tailoring of social support systems:** Separate programs tailored to individual needs (e.g., ESL, MediCal, etc...)

Welfare system designed to fit a world that no longer fits a description of reality.

- III. **Reform bilingual education:** State would regulate the bilingual programs it funds. Matching of non-English language between aide and student. Defund some programs to fund those that do work. Tie English language acquisition to some type of skill acquisition.

World of education and world of work become more closely linked.

- IV. **Increase employment of recent immigrants in social service provisions and policy evaluation research:** Matching up cultural needs with policy. Bilingual social and mental health services.

- V. **Enforce fair labor practice and anti-discriminatory statutes in hiring and employment:** Many undocumented newcomers forced to work under discriminatory situations. Enforce fair labor laws that are already on the books.

- **Possible secondary effect:** *Mainstream employment provides an opportunity to acquire English skills.*

An image being projected is that government does not have to regulate when the employer is an ethnic entrepreneur because of the jobs being provided. These are often the most exploitative situations.

- **Possible tertiary effect:** *May reduce the number of jobs available, but it might increase the number of opportunities if laws on books are enforced.*

Recommended Changes in Social Welfare Policies from Research Findings

- I. Today, welfare assistance is temporary and all recipients are encouraged to find work.
- 30 and 1/3 reduction was temporary reduction.
 - Set-asides.
 - Childcare expenses.
 - Transportation.
 - First \$30 below that level set aside and not counted. One-year \$30 deduction ended.
 - One third of remainder also set aside and not counted against grant. Four-month, one-third reduction ended.
 - This policy is currently permanent and in place. This provision makes it feasible to work. Retain benefits while increasing financial independence.

II. Earned Income Tax Credit (EITC). For individuals entering labor market. Can provide for up to a couple hundred dollars a month after one year. Exempt from grant restrictions

III. The Office of Refugee Resettlement. Want to implement these provisions nationwide.

- Refugee specific.
- Language appropriate.
- Will address California's need better than the current program.

IV. Expanded Orientation Services (Office of Refugee Resettlement agency).

- Help refugees enter labor market. Understand U.S. culture and labor.
- Necessity of post-employment services.
 - Continued education and support services after entering labor market.
 - Learn and experience from entry-level positions.
 - Teaching should be flexible and continue to strengthen language and job skills. Assistance in moving up from entry-level positions.
 - Three to five jobs before family is sufficient.

FACT SHEET

Immigrants in the United States

- Number of documented immigrants to the U.S. (U.S. Immigration and Naturalization Service, 1994):
 - Immediate relative — 255,059
 - Employment related — 147,012
 - Family Sponsored — 226,776
 - Refugees — 106,025 admitted; 113,290 arrived
 - Asylees — not available
 - Parolees (Soviet Union and Indochina) — 15,772
- Estimates of undocumented immigrants in the U.S. range from 3 to 5 million (U.S. Immigration and Naturalization Service, 1994; Acuna, 1988; Fernandez & Robinson, 1994).

Definition of Terms

- **Immediate relative** -- Spouses of citizens, children (under 21 years of age) of citizens, parents of citizens 21 years of age or older, and orphans adopted by citizens who are at least 21 years of age (U.S. Immigration and Naturalization Service, 1994).
- **Family-Sponsored preferences (U.S. Immigration and Naturalization Services, 1994)**
 - First: Unmarried sons and daughters of U.S. citizens.
 - Second: Spouses, children, and unmarried sons and daughters of permanent resident individuals. (This word has been used in place of “alien” and “alienage,” which is found throughout the legislature. It is the author’s contention that usage of such terminology removes all essence of humanity from human beings. From this point forward, this change will be denoted by a star.)
 - Third: Married sons and daughters of U.S. citizens.
 - Fourth: Brothers and sisters of U.S. citizens (at least 21 years of age).
- **Employment-based preferences (U.S. Immigration and Naturalization Service, 1994)**
 - First: Priority Workers.

- Second: Professionals with advanced degrees or individuals* of exceptional ability.
 - Third: Skilled workers, professionals, needed unskilled workers, and Chinese Student Protection Act.
 - Fourth: Special immigrants.
 - Fifth: Employment creation (“Investors”).
- **Refugee:** Any person who is outside of his or her country of nationality who is unable or unwilling to return to that country because of fear of persecution. Persecution or the fear thereof may be based on the individual's* race, religion, nationality, membership in a particular social group, or political opinion. People with no nationality must be outside their last country of habitual residence to qualify as a refugee. Refugees are exempt from numerical limitations (though worldwide ceilings by geographical areas are set annually by the President) and are eligible to adjust to lawful permanent residence after one year of continuous presence in the United States. Although these immigrants are technically considered non-immigrant when initially admitted to the United States, refugees are not included in non-immigrant admission data (U.S. Immigration and Naturalization Service, 1994).
 - **Asylee:** An individual* in the United States or at a port of entry unable or unwilling to return to his or her country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof may be based on the individual's* race, religion, nationality, membership in a particular social group, or political opinion. For persons with no nationality, the country of nationality is considered to be the country in which the individual* last habitually resided. Asylees are eligible to adjust to lawful permanent resident status after one year of continuous presence in the United States. These immigrants are limited to 10,000 per fiscal year (U.S. Immigration and Naturalization Service, 1994).
 - **Parolee:** An individual*, appearing to be inadmissible to the inspecting officer, allowed to enter the United States under emergency (humanitarian) conditions or when that individual's* entry is determined to be in the public interest. Parole does not constitute a formal admission to the United States, and confers temporary admission status only, requiring parolees to leave when the conditions supporting their parole cease to exist. Although these individuals* are technically considered non-immigrant upon arrival, parolees are not included in non-immigrant admission data.

Types of parolee (U.S. Immigration and Naturalization Service, 1994):

- **Deferred inspection:** Parolee may be granted to an individual* who appears not to be clearly admissible to the inspecting officer. An appointment will be made for the individual's* appearance at another service office where more information is available and the inspection can be completed.

- **Advanced parole:** Authorized at an INS District office in advance of individual's* arrival.
- **Port of entry parole:** Authorized at the port upon individual's* arrival.
- **Humanitarian parole:** Authorized at INS headquarters; for example, granted to an individual* who has a serious medical condition which would make detention or immediate return inappropriate.
- **Public interest parole:** Authorized at INS headquarters; for example, granted to an individual* who is a witness in legal proceedings or is subject to prosecution in the United States.
- **Overseas parole:** Authorized at an INS District or sub-office while the individual* is still overseas.
- **Temporary Protected Status:** Establishes a legislative base to the administrative practice of allowing a group of persons temporary refuge in the United States. Under a provision of the Immigration Act of 1990, the Attorney General may designate nationals of a foreign state to be eligible for TPS with a finding that conditions in that country pose a danger to personal safety due to ongoing armed conflict or an environmental disaster. Grants of TPS are initially made for periods of 6-18 months and may be extended depending on the situation. The legislation designated El Salvador as the first country to qualify for this program. Deportation proceedings are suspended while the individual(s) is (are) in Temporary Protected Status (U.S. Immigration and Naturalization Service, 1994).

OVERVIEW OF MAJOR RECENT UNITED STATES IMMIGRATION LEGISLATION

Refugee Act of March 17, 1980

The Refugee Act amended and supplemented the Immigration and Nationality Act of 1952 to provide the first permanent and systematic procedure for the admission and effective resettlement of refugees of special humanitarian concern to the United States.

Provisions:

- Eliminated refugees as a category of the preference system.
- Set the worldwide ceiling of immigration to the United States at 270,000, exclusive of refugees.
- Established procedures for annual consultation with Congress on numbers and allocation of refugees to be admitted in each fiscal year, as well as procedures for responding to emergency refugee situations.
- Defined the term “refugee” to conform to the 1967 United Nations Protocol on Refugees and made clear the distinction between refugee and asylee status.
- Established a comprehensive program for domestic resettlement of refugees.
- Provided for adjustment to permanent resident status of refugees who have been physically present in the United States for at least one year and of asylees one year after asylum is granted.

Immigration Reform and Control Act of November 6, 1986 (IRCA)

Comprehensive immigration legislation.

Provisions:

- Authorized legalization (i.e., temporary and then permanent resident status) for individuals* who had resided in the United States in an unlawful status since January 1, 1982 (entering without documentation or as temporary visitors with authorized stay expiring before that date or with the Government’s knowledge of their unlawful status before that date) and are not excludable.
- Created sanctions prohibiting employers from knowingly hiring, recruiting, or referring for a fee individuals* not authorized to work in the United States.
- Increased enforcement at U.S. borders.
- Created a new classification of several agricultural workers, and provisions for the legalization of certain such workers.

- Extended the registry date (i.e., the date from which an individual* has resided illegally and continuously in the United States and thus qualifies for adjustment to permanent resident status) from June 30, 1948, to January 1, 1972.
- Authorized adjustment to permanent resident status for Cubans and Haitians who entered the United States without inspection and had continuously resided in the country since January 1, 1982.
- Increased the numerical limitation for immigrants admitted under the preference system for dependent areas from 600 to 5,000 beginning in fiscal year 1988.
- Created a new special immigrant category for certain retired employees of international organizations and their families and a new non-immigrant status for parents and children of such immigrants.
- Created a non-immigrant visa waiver pilot program allowing certain individuals* to visit the United States without applying for a non-immigrant visa.
- Allocated 5,000 non-preference visas in each of fiscal years 1987 and 1988 for individuals* born in countries from which immigration was adversely affected by the 1965 act.

Immigration Act of November 29, 1990

A major overhaul of immigration law amended the Immigration and Nationality Act.

Provisions:

- Increased total immigration under an overall flexible cap of 675,000 immigrants beginning in fiscal year 1995, preceded by a 700,000 level during fiscal year 1992 through 1994. The 675,000 level to consist of:
 - 480,000 family-sponsored immigrants,
 - 140,000 employment-based immigrants,
 - and 55,000 “diversity immigrants.”
- Revised all grounds for exclusion and deportation, significantly rewriting the political and ideological grounds. For example, repealed the bar against the admission of communists as non-immigrants and limited the exclusion of individuals* on foreign policy ground.
- Authorized the Attorney General to grant temporary protected status to undocumented (individuals*) nationals of designated countries subject to armed conflict or natural disasters.
- Revised and established new non-immigrant admission categories:
 - Redefined the H-1 (b) temporary worker category and limited number of individuals* who may be issued visas or otherwise provided non-immigrant status under this category to 65,000 annually.

- Limited number of H-2 (b) temporary worker category individuals* who may be issued visas or otherwise provided non-immigrant status to 66,000 annually.
- Created new temporary worker admission categories, some with annual caps on number of individuals* who may be issued visas or otherwise provided non-immigrant status.
- Revised and extended the Visa Waiver Pilot Program through fiscal year 1994.
- Revised naturalization authority and requirements:
 - Transferred the exclusive jurisdiction to naturalize individuals* from the Federal and State courts to the Attorney General.
 - Amended the substantive requirements for naturalization: State residency requirements revised and reduced to 3 months; added another ground for waiving the English language requirement; lifted the permanent bar to naturalization for individuals* who previously served in the service of their country of nationality and who applied to be relieved from U.S. military service on grounds of residency status*.
- Revised enforcement activities. For example:
 - Broadened the definition of “aggravated felony” and imposed new legal restrictions on individuals* convicted of such crimes.
 - Revised employer sanctions provisions of the Immigration Reform and Control Act of 1986.
 - Authorized funds to increase Border Patrol personnel by 1,000.
 - Revised criminal and deportation provisions.
- Recodified the 32 grounds for exclusion into nine categories, including revising and repealing some of the grounds (especially health grounds).

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (August 22, 1996)

This analysis was prepared by the American Public Welfare Association (APWA), the National Governors’ Association (NGA), and the National Conference of State Legislatures (NCSL). It was revised August 22, 1996. Additional information about the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 can be found at the following website: <http://www.apwa.org/reform/analysis.htm>

The bill is a comprehensive piece of legislation with far-reaching implications in a number of programs. The bill eliminates the open-ended federal entitlement program of Aid to Families with Dependent Children (AFDC) and creates a new program called Temporary Assistance for Needy Families (TANF), which provides block grants for

states to offer time-limited cash assistance. The comprehensive legislation also makes far-reaching changes to childcare, the Food Stamp Program, Supplemental Security Income (SSI) for children, benefits to illegal immigrants, and the Child Support Enforcement program. Modifications to the child nutrition programs and a reduction in the Social Services Block Grant (SSBG) are also included in the act. Unlike previous versions, however, current law is retained for child welfare and child protection programs. The legislation will save an estimated \$54.5 billion over six years, with most of the savings due to changes in the Food Stamp Program and reductions in benefits for documented immigrants.

I. Immigrant Provisions in Welfare Reform

- **SSI and Food Stamp Bar** - Current and future documented immigrants are barred from receiving Supplemental Security Income (SSI) and Food Stamps until they become citizens. Current SSI recipients are subject to reconsideration of eligibility in the year following enactment; current food stamp recipients must be re-certified within one year.

Exceptions for certain individuals:

- Refugees, asylees, or those granted withholding of deportation are eligible only for their first 5 years in the United States. If they have already been in the country for 5 years, they lose their benefits.
- Lawful permanent residents with 40 qualifying quarters of work may receive benefits. For work quarters after December 31, 1996, to qualify, the individual must not receive any federal means-tested public benefit during that quarter. Minor children and the spouse can be credited with qualifying quarters.
- Veterans, active duty military personnel, spouses, and dependents are exceptions.
- Cuban-Haitian entrants are eligible for Refugee Assistance and Refugee Education Assistance. The executive branch may have the authority to exempt these individuals, through regulation, from the five-year ban.

II. Cash Assistance (TANF), Medicaid, and SSBG (State Option)

States have the option to determine the eligibility of current documented immigrants for federal cash assistance under Title IV-A (TANF), Medicaid, and services under the Social Services Block Grant (SSBG). Current recipients may receive benefits until January 1, 1997. States may provide or deny services thereafter. Immigrants who arrive after the bill is enacted are first subject to the five-year federal bar (see below), and then the state may provide or deny services. Immigrants who arrive after the enactment who have sponsors also may be subject to deeming until they become citizens (see below).

Exceptions for certain individuals -- same as above.

III. Five-Year Bar on Federal Means-Tested Programs

Newly arriving documented immigrants who are qualified individuals* are barred from all means-tested, federally funded public benefits for the first 5 years they are in the country.

Exceptions for certain individuals:

- Refugees, asylees, or those granted withholding of deportation for their first 5 years in the United States.
- Veterans and active-duty military personnel and their spouses and dependents.
- Cuban-Haitian entrants.

Program Exceptions:

- Emergency medical assistance.
- Short-term, non-cash, in-kind emergency disaster relief.
- National School Lunch Act.
- Child Nutrition Act.
- Public health assistance for immunizations and testing and treatment of symptoms of communicable diseases.
- Foster care and adoption assistance (unless the parent is a qualified individual* subject to the five-year bar).
- Programs identified by the U.S. Attorney General that deliver in-kind services at the community level, do not condition assistance on the individual's* income or resources, and are necessary for the protection of life or safety (such as soup kitchens).
- Higher education.
- Means-tested programs under ESEA.
- Head Start.
- Job Training Partnership Act.

IV. State and Local Governments

- States have the authority to determine the eligibility of documented immigrants for state and local means-tested programs. Exceptions apply for refugees, asylees, and those whose deportation has been

withheld for their first 5 years in the country; lawful permanent residents with 40 qualifying quarters of work; veterans and active-duty military personnel and their spouses and dependent children; and current recipients until January 1, 1997.

- States have the authority to determine eligibility of documented immigrants for TANF, Medicaid, and SSBG (see exceptions above).
- States may not provide state or locally funded benefits to unqualified immigrants--except non-immigrants or parolees for their first year in the country--unless they enact state law after this bill is enacted.
- States, or the locality that offers the benefit, may deem for state programs. (see exceptions under Deeming, below).

V. Programs Restricted by Deeming

Deeming means a sponsor's income and resources, and his or her spouse's income and resources, are considered, or "deemed," available to an immigrant when determining program eligibility and amount of benefits. This mainly affects immigrants who enter under the family preference system--unmarried sons and daughters of U.S. citizens; spouses and unmarried sons and daughters of permanent residents; married sons and daughters of U.S. citizens; and brothers and sisters of adult U.S. citizens.

States must deem all federal means-tested programs for:

- *Current recipients* whenever an immigrant is required to reapply for benefits under a federal means-tested program. The agency shall review income and resources under the deeming provisions.
- *New immigrants* who are first subject to the 5-year federal bar, then subject to deeming until citizenship, or 40 quarters of qualifying work, as described under the SSI and Food Stamp bar above.
- *Current immigrants who are not recipients* and who apply for benefits in the future will be subject to deeming 180 days after enactment. Program exceptions are the same as those under the five-year bar above.

Effective date

For programs that already deem (SSI, Food Stamps, and Medicaid), the effective date is the date of enactment. Once the permanent bar goes into effect for SSI and Food Stamps, however, no further deeming will be necessary. For programs that do not currently deem, the effective date is 180 days after enactment.

States, or the localities that offer the benefits, may deem for state programs. Exceptions to state deeming are:

- Emergency medical assistance.
- Short-term, non-cash, in-kind emergency disaster relief.
- Programs comparable to the National School Lunch Act.
- Programs comparable to the Child Nutrition Act.
- Public health assistance for immunizations and testing and treatment of symptoms of communicable diseases.
- Foster care and adoption assistance, unless the parent is a qualified individual* subject to the five-year bar.
- Programs identified by the U.S. Attorney General that deliver in-kind services at the community level, do not condition assistance on the individual's* income or resources, and are necessary for the protection of life or safety (such as soup kitchens).

VI. Affidavits of Support

Under the bill, affidavits of support are made legally enforceable against the sponsor by the immigrant*, the federal government, and by any state or locality that provides means-tested programs for up to 10 years after the receipt of benefits. Affidavits of support are enforceable until citizenship. Reimbursement may not be sought for the 11 excepted programs to federal means-tested benefits (see 5-year bar above).

Sponsors must notify the U.S. Attorney General and the state where the sponsored immigrant* resides of any change of address of the sponsor. The sponsor must be a citizen or national or lawful permanent resident, 18 years of age or older, a resident of the 50 states or the District of Columbia, and the petitioner for admission of the immigrant.

• School Lunch and School Breakfast

School lunches and school breakfasts are available to all immigrants regardless of status. States may provide certain other nutrition programs to immigrants not considered “qualified aliens” under the bill.

• Undocumented Immigrants

Undocumented immigrants are barred from the following federal public benefits:

- Grants, contracts, loans, and license.

- Retirement, welfare, health, disability, public or assisted housing, post-secondary education, food assistance, and unemployment benefits provided to an individual, household, or family by the United States or by appropriated funds of the United States.

Exceptions:

- Emergency medical assistance under Medicaid, if the eligibility requirements under the state plan are met. Under the conference report language, the conferees do not intend that emergency medical services include prenatal or delivery care that is not strictly of an emergency nature.
- Short-term, non-cash, in-kind emergency disaster relief.
- Public health for immunizations and for testing and treatment of symptoms of communicable diseases.
- Programs identified by the attorney general that deliver in-kind services at the community level, do not condition assistance on the individual's income or resources, and are necessary for the protection of life or safety (such as soup kitchens or short-term shelter).
- Housing or community development assistance for current recipients.

VII. Reporting, Verification, and Cooperation with INS

Reporting under Title IV of the Social Security Act: Requires agencies administering SSI, housing assistance, or TANF, to report quarterly to the Immigration and Naturalization Service (INS) the names and addresses of individuals they know are unlawfully in the United States.

Verification: The Attorney General, with the Secretary of Health & Human Services, must issue regulations within 180 days requiring verification that an immigrant* applying for public health benefits is a qualified immigrant* and is eligible for such benefits. States administering federal public benefits must comply with the verification system within 24 months. The bill authorizes “such sums as may be necessary” to carry out this section.

Cooperation: No state or local government entity may be prohibited or restricted from communicating information to INS about the immigration status of an immigrant* in the United States.

VIII. Definitions

Qualified Immigrants*: Lawful permanent residents, refugees, asylees, parolees after one year, and those whose deportation is withheld. Withholding of deportation is similar to political asylum.

Federal means-tested public benefit programs: Any public benefit, including cash, medical, housing, and food assistance and social services of the federal government in which the eligibility of an individual, household, or family eligibility unit for benefits, or the amount of such benefits, are determined on the basis of income, resources, or financial need of the individual, household, or unit. Although this definition was deleted from the bill under the Byrd rule, “it is the intent of the conferees that this definition be presumed to be in place for purposes of this title.”

State public benefits: Any means-tested public benefits of a state or locality under which the state or locality specifies the standards for eligibility and does not include any federal public benefit. Although the original definition was deleted due to the Byrd rule, “it is the intent of House and Senate conferees that the...definition be used by states” in carrying out the authority under this section (state authority to limit eligibility of qualified immigrants* for state public benefits).

VIDEOTAPE #3

**ASSESSMENT AND INTERVENTION ISSUES WITH
MINORITY FAMILIES**

VIDEOTAPE #3 ASSESSMENT AND INTERVENTION ISSUES WITH MINORITY FAMILIES

This section consists of discussion questions for each of the following four ethnic minority family groups presented: African American, Asian American, Latino, and Native American.

African American Families

- The video states that the “disintegration” of the African American family is a myth due to the large extended family that is common in the African American community and culture. Is this an important consideration? What implications might this assumption have upon the social worker’s assessment of the family? How can a social worker truly understand the dynamics of a particular family?
- Elizabeth Foster-Ward confronts the mother in a firm yet sensitive manner. Can one develop these skills, and is there a way to evaluate or improve upon them within this cultural context?
- Discipline comes in many forms, depending on the ethnic culture of the family. How can a social worker differentiate between discipline and abuse? How can this be conveyed in a culturally sensitive manner?
- There are several issues taking place simultaneously in the home. Rather than immediately removing the child from the home, what should the social worker first focus on?
- The social worker states that it is important to help the client (mother) get back in touch with what she learned as a child. Do you feel that this is best and that this is always correct? What issues may arise? What can the social worker do to turn this into a positive situation?

Asian Families

- What issues might the social worker need to address in working with refugees as opposed to immigrants (documented or undocumented)?
- What clues should the social worker look for in working with Asian families? How can the social worker help each individual to define him or herself? What does the social worker need to be aware of regarding “loss of face”?

- How can the social worker differentiate between discipline, physical or emotional abuse, and culturally normative behavior? How and where can the line be drawn as to what is acceptable and appropriate and what is not?
- How can a social worker of a different culture build rapport with a client? If the social worker is also Asian, does this remove all potential for misunderstanding? Will this contribute to a harmonious and supportive relationship? What are important considerations?
- Communication with clients (i.e., language) is important in developing and maintaining a relationship with clients. What should be done if an interpreter fluent in a particular language is unavailable? Would this be an appropriate time to rely on using the child as an interpreter? What would you do in this situation?
- Sometimes it will not be possible to communicate clearly with a client due to the client's lack of formal education. This will prove to be a situation where language proficiency is especially important. Considering this, describe both potential positive and negative outcomes.
- What common issues can you identify among the different Asian groups? What differences are important to consider?
- Why might some Asian individuals resent the label "Asian American?" What issues might face immigrants from different countries or even different areas of the same country?

Latino Families

- Latinos are not a monolithic group. Each group has its own unique experience in the country of origin as well as in the United States. Why is it particularly important to be aware of this? What implications does this have for the client?
- A South American who flew into the United States will have had a different experience than an undocumented Mexican or Central American who crossed the border. Depending on the country of origin, the individual may have had to confront war and/or torture.
- Generation has a large impact on the dynamics of the family. What are issues that may arise as a result of generational differences within a family? Discuss why it would not be appropriate for a social worker to make assumptions about "Latino issues."

- The roles are usually well defined in Latino families. What important information should a social worker determine upon beginning a working relationship with a Latino family?
- Self-disclosure is an issue that a social worker must approach with sensitivity. Can this be handled differently when working with a Latino family? If so, provide examples of when self-disclosure may be appropriate.
- Family is central in the Latino culture and it is from this source that the greatest support is derived. What steps can a social worker take to assess and utilize a client's existing support system? How can this be understood within the clinical concept of enmeshment?
- The video states that there are four behaviors considered disrespectful in the Latino culture and that these can elicit *nalgadas* and *cachetadas*. Discuss these four behaviors and explain whether or not you believe the punishment is appropriate.
- Physical discipline of children in Latino culture is often utilized to shape or extinguish a particular behavior or action and inflict just enough pain to the child so that he or she will behave or act accordingly. The video provides an example of this in the phrase, "*te voy a dar tres*," which means, "I'm going to hit you three times." What potential differences may arise as a result of this? How should the social worker approach this? What considerations must be made?
- Language is the most important tool of communication. As in all cultures whose language is other than English, Spanish speakers should understand the meaning of the words used. It is the social worker's responsibility to ensure that word choice is appropriate and used in its proper context, avoiding "lingo" that may be poorly understood. How can a social worker that does not speak Spanish be assured that the client does have a good grasp of what is being conveyed?

Native American Families

- What might be the different issues facing urban vs. reservation peoples?
- Native Americans are displaced in the greater American society, especially urban individuals. What are issues that may arise in an urban environment that would not be present in a reservation environment for Native American families?
- How do you feel about the statement, "the best intervention is to reconnect Indian-Americans to tribal ways"? Do you agree or disagree?

- The ideas of “abuse” and “neglect” are foreign to this culture. That does not mean that it does not exist. What are the tribal and community dynamics that a social worker should be aware of when attempting to assess the risk?
- Native Americans, as a result of historical institutional racism and prejudices, have a general mistrust of the American institutional system. What steps will be necessary to gain or begin to obtain the trust of a Native American client, since child welfare workers are perceived as a representation of the system?
- It is important that the social worker not make assumptions about Native Americans. What types of questions can a social worker pose that will be useful in determining the individual’s level of identification with a native heritage? Why should this be a consideration?
- The concept of “extended family” is deeply integrated into Native American culture. What impact does this have on discipline and authority? Is this a consideration when determining authority in the family? How can this be dealt with best?
- What does the child welfare worker need to know about the Indian Child Welfare Act? (The Indian Child Welfare Act of 1978 can be found in its entirety at the following website: www.law.cornell.edu/uscode/25/ch21.html) How do Indian child welfare services differ from public welfare?

REFERENCES

- Acuna, R. (1988). *Occupied America: A history of Chicanos* (3rd ed.). New York: Harper Collins.
- Fernandez, E. W., & Robinson, J. G. (1994). *1994 Illustrative ranges of distribution of undocumented immigrants by state*, Technical Working Paper No. 8. Washington, DC: U.S. Bureau of the Census.
- U.S. Immigration and Naturalization Service. (1994). *Statistical yearbook of the Immigration and Naturalization Service, 1993*. Washington, DC: U.S. Government Printing Office.