

MAINTAINING FAMILY VALUES

Emergency Family Case Management Services for Reunited Families:
Lessons Learned and the Way Forward

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Executive Summary

As the United States government strives to find the best practices and policies to address the flow of Central Americans and others presenting themselves at the U.S. southern border, Lutheran Immigration and Refugee Service (LIRS) is heartened by the U.S. government's growing interest in supporting community-based alternative to detention programs. Following the separation of over 2,600 children from their adult caregivers during the spring and summer of 2018, the U.S. government requested that LIRS and U.S. Conference of Catholic Bishops (USCCB) aid in the government's reunification efforts. Observing the need for additional support, LIRS also provided affected families with additional services.

This report describes the nation-wide holistic case-management program featuring community-based support services that LIRS funded and implemented. The Family Reunification Support Program (FRSP) offered assurance of stable housing, referrals for pro bono legal services, access to medical care and school enrollment/education for reunified families. The goal of the program was to provide for the immediate needs of families at their final destination and to support their initial integration into their communities. While it is too soon to assess the court appearance rates for participants in this program, similarly designed programs have demonstrated excellent results.¹

LIRS encourages the United States government to continue to turn away from harmful policies and practices such as forced family separations and family detention and toward solutions that adhere to child welfare principles and maintain family unity. Such programs cost a fraction of detention and balance maintaining family unity with ensuring that newcomers respect their obligations to the U.S. government's immigration systems, such as appearing for government-mandated check-ins and court appearances. The crisis on our border calls for bold leadership and innovative solutions. Programs such as the one detailed in this report are part of that solution.

Improving and expanding community-based alternatives to detention does not require legislation, and would greatly benefit from the increased commitment by the U.S. government, funders and national service providers in these areas:

¹ U.S. Conference of Catholic Bishops/Migration and Refugee Serv., et al., *The Real Alternatives to Detention*, Justice for Immigrants, available at <https://justiceforimmigrants.org/2016site/wp-content/uploads/2017/07/The-Real-Alternatives-to-Detention-FINAL-06.27.17.pdf> (last visited on March 17, 2019); Stanford Law School Immigrant Legal Rights clinic et al., *Policy Brief Community-Based Alternatives To Immigration Detention*, available at https://law.stanford.edu/wp-content/uploads/sites/default/files/child-page/163220/doc/slspublic/DWN_ATD_Report_FINAL.pdf (last visited on March 17, 2019); Ashoka, *The Alternative To Immigrant Detention Everyone Should Know About*, Forbes (Sep 25, 2018), <https://www.forbes.com/sites/ashoka/2018/09/25/the-alternative-to-immigrant-detention-everyone-should-know-about/#7e735ff5102b>.

1. Ensure that program participants receive, at minimum, a baseline understanding of the U.S. immigration system and their obligations to the immigration court and can secure legal representation

Congress and Department of Justice

- Continue to fund the Executive Office for Immigration Review (EOIR)'s Legal Orientation Program (LOP) and Immigration Court Helpdesks (ICH).

Department of Justice

- Work with the Department of Homeland Security to ensure that any migrant family in government custody receives an LOP presentation, including, upon release, written materials with names and addresses of low cost immigration services at their final destination.
- Increase outreach to the legal community with regard to changes in the recognition and accreditation process for accredited representatives appearing in immigration proceedings.
- Revive the Justice AmeriCorps program and expand its scope to include representation for families.

Department of Homeland Security

- Work with the Department of Justice, EOIR, to ensure that any migrant family in government custody receives an LOP presentation, including, upon release, written materials with names and addresses of low cost immigration services in their final destination.
- Provide legal information explaining the immigration process, legal rights and obligations as well as how to file change of address forms with immigration courts in indigenous languages. (Office of Civil Rights and Civil Liberties/ Immigration and Customs Enforcement)
- In the absence of a robust community-based program, provide asylum-seeking families released from immigration detention with printed copies of the orientation and guidance manual, "First Steps."²

Funders

- Assist partner organizations to expand their in-house legal services, recruit more volunteer attorneys willing to represent families in immigration court and provide access to opportunities for technical assistance.

National Legal Service Providers

- For those attorneys and accredited representatives who require training and support, increase investments in obtaining technical assistance.

² *First Steps: An LIRS Guide for Refugees, Asylum-Seekers and Migrants Released from Immigration Detention*, available at <https://www.lirs.org/first-steps/> (last visited on March 18, 2019).

- For those attorneys and accredited representatives providing technical assistance, offer a range of services, decrease barriers to obtaining such services and conduct community outreach efforts.

2. Ensure that program participants can access mental health support and services in a timely manner

Funders and National Service Providers

- Provide mental health first aid training to case workers and other direct services staff.
- Develop easy to comprehend resources, using a variety of media, and make resources available to vulnerable clients in their native languages.
- Use innovative technology such as “telepsychiatry” video conferencing services to provide psychiatric services.
- Support clergy in providing counseling aimed specifically at recently arrived migrants in community-based alternatives to detention programs. This can include specialized education in leading group therapy sessions and partnering with local torture survivor programs.

3. Expand Enrollment for Community-Based Services Program

Immigration and Customs Enforcement

- Tender a request for proposal for community-based case management services for asylum-seekers consistent with the Conference Report Language (H. Rept. 116-9) in the 2019 Appropriations bill.
- Consult with non-profit organizations with expertise providing these services before drafting the RFP.

Funders

- Provide additional funding to support case management programs for asylum seekers.

4. Programmatic Adjustments with regard to Family Unity and Separations.

Department of Homeland Security

- Appoint an official “Family Unity” Ombudsman to lead coordination of the remaining family reunifications and monitor future incidences of family separation. This position should be within DHS as it is the agency with the greatest visibility at the point of separation.
- Ensure that ICE issues Notices to Appear and other discharging immigration paperwork that reflects the final destination of families, not the address of the reception site or the immigration court at the detention facility.

Introduction

During the last several Administrations, the desire for more effective national security combined with a rise in unaccompanied minors and family units arriving at and between ports of entry on the U.S.-Mexico border has resulted in a variety of responses aimed at identifying, aiding and in some cases, deterring, new arrivals. These policies have included family detention, alternatives to detention and family separation, including separating minor children from their adult care givers.

Prior to and at the beginning of the Obama Administration, separating children from their adult parent or guardian was rare and limited to circumstance where Department of Homeland Security (DHS) officers suspected child welfare concerns such as abuse, neglect or trafficking. Towards the end of the Obama Administration and into the beginning of the Trump Administration, the rate of such separations markedly increased. Between October 2016 and February 2018, DHS separated an estimated 1,768 children from their parents, rendering them “unaccompanied.” They were placed in the care and custody of the Department of Health and Human Services (HHS).

The number of separated children continued to increase in the spring and early summer of 2018, after the implementation of the “zero-tolerance policy” by the Department of Justice.³ By June 26, 2018, when the U.S. District Court for the Southern District of California issued a class-wide preliminary injunction halting the practice of family separation⁴ and requiring separated families be reunified, absent certain extenuating circumstances, 2,600 children had been separated from their parent or guardian.⁵

Recognizing that Lutheran Immigration and Refugee Service (LIRS) and the United States Catholic Conference of Bishops (USCCB) had deep knowledge of and experience providing care for refugee and asylee children, DHS and HHS requested that the two organizations assist, without remuneration, in reunifying families separated under this “zero-tolerance” policy and provide them with additional support.

LIRS supported the reunification process in two locations: Phoenix and Albuquerque. LIRS also funded and implemented a nation-wide holistic case-management program featuring community-based support services, such as assurance of stable housing, referrals for pro bono legal services, access to medical care and enrollment education for reunified families. LIRS called the program the Family Reunification Support Program (FRSP). The goal of the case management program was to provide for the immediate needs of families in their final destination and to support their initial integration into their communities.

³ Attorney Gen. Jefferson Sessions, U.S. Dep’t of Justice, *Zero-Tolerance for Offenses Under 8 U.S.C. §1325(a)* (Apr. 6, 2018), available at <https://www.justice.gov/opa/pressrelease/file/1049751/download>.

⁴ The term “family separation” in this report refers to the separation of children from the parent or guardian with whom they were traveling where the child is rendered alone.

⁵ Preliminary Injunction at 23, *Ms. L. et al., v. ICE*, Case No. 18cv0428, Dkt. No. 83 (S.D. Cal. June 26, 2018), available at <https://www.aclu.org/legal-document/ms-l-v-ice-order-granting-plaintiffs-motion-classwide-preliminary-injunction>.

Scope

The scope of this report is limited to documenting and assessing the range of services provided by LIRS through the FRSP to separated children and parents following their reunification and the costs incurred to provide these services. For more information on the “zero-tolerance” policy and LIRS’s experiences and recommendation with regard to the reunification process, please refer to the report *“Serving Separated and Reunited Families: Lessons Learned and the Way Forward to Promote Family Unity.”*⁶

Purpose

Based on over 60 years of experience walking alongside the stranger, LIRS remains firm in its principled belief that the only time family separation should occur is in the rare circumstances of demonstrated physical or emotional abuse by a spouse, parent or adult caretaker. LIRS believes that all families entering the United States in search of protection should be released from immigration detention once their identity is validated and they are determined not to be a risk to public safety. They should be immediately enrolled in a program with community-based services. We have written this report to highlight another effective and less-expensive community-based alternative to detention, the Family Reunification Support Program (FRSP) that supports this belief.

⁶ Lutheran Immigration and Refugee Service et al., *Serving Separated and Reunited Families: Lessons Learned and the Way Forward to Promote Family Unity*, available at https://justiceforimmigrants.org/2016site/wp-content/uploads/2018/10/Serving-Separated-and-Reunited-Families_Final-Report-10.16.18-updated-2.pdf (last visited on March 17, 2019).

The Family Reunification Support Project

Background

As detailed below, the Family Reunification Support Project (FRSP) was a case management system designed specifically to support formerly separated families who were released by ICE following their reunification. Case management was available to every family that LIRS reunified, for 90 days following the initial contact. LIRS partners worked closely with families to create an individualized case management plan and then assisted families in obtaining the services that met their needs. Clients enrolled in FRSP received bilingual support from staff that were approved by the Office of Refugee Resettlement (part of the Department of Health and Human Service) to provide case management to minors in other similar programs. As such, staff members were highly trained to deal with traumatized clients and minors and were able to transfer their skills and experience working in ORR-funded programs to the privately-funded FRSP.

Where were the families and where did they go?

Following reunification, nearly 50% of all cases moved to five states: Florida, Texas, California, New Jersey, and New York. The majority of these families were originally from Guatemala (76.1%) and Honduras (17.75%); a small percentage were originally from El Salvador (4.6%), and other countries (less than 2% from Brazil and Colombia).

The FRSP's services included: an initial intake; an assessment of the families' living situation, including home visits; referrals to immigration legal service providers; orientations to local community services; assistance with school enrollment; cultural orientation and assistance in accessing physical and mental health care, including vaccinations, as needed. LIRS was pleased to assist the government in providing these services as similar community-based programs have demonstrated that access to support for basic housing, healthcare, legal, and educational needs increases participants compliance with immigration court obligations and other immigration-related appointments.⁷ Given the vulnerabilities of families seeking asylum, LIRS believes it is critical that each family receive support services, including a professional assessment of their legal case by a qualified expert.

⁷ U.S. Conference of Catholic Bishops/Migration and Refugee Serv., et al., *The Real Alternatives to Detention*, Justice for Immigrants, available at <https://justiceforimmigrants.org/2016site/wp-content/uploads/2017/07/The-Real-Alternatives-to-Detention-FINAL-06.27.17.pdf> (last visited on March 17, 2019); Stanford Law School Immigrant Legal Rights clinic et al., *Policy Brief Community-Based Alternatives To Immigration Detention*, available at https://law.stanford.edu/wp-content/uploads/sites/default/files/child-page/163220/doc/slspublic/DWN_ATD_Report_FINAL.pdf (last visited on March 17, 2019); Ashoka, *The Alternative To Immigrant Detention Everyone Should Know About*, Forbes (Sep 25, 2018), <https://www.forbes.com/sites/ashoka/2018/09/25/the-alternative-to-immigrant-detention-everyone-should-know-about/#7e735ff5102b>

Limitations and Methodology

During its reunification efforts on behalf of the U.S. government, LIRS worked with 214 cases which were initially referred to the FRSP for case-management services. Of those initially referred, 66 cases were not enrolled in the program. In some cases, the families never responded to case-worker's calls or home visits during the enrollment period. Other families had provided an inaccurate address or the government recorded a temporary address, such as the local shelter where they were released from detention, and case workers were unable to locate the families. Ten families declined to be enrolled, stating that their families were able to provide them with sufficient support. As a result, the FRSP program served 148 families or 310 individuals.

In addition, as described below in the "Household Living Situation" section, 13 additional cases left the program shortly after enrollment. We note that these cases were included in the statistical and cost analysis of the program.

Services

Initial Intake

LIRS affiliate staff made the initial contact with each family within 48 hours of receiving the case referral information. During this intake, staff explained the resources available to the participants and collected biographical data.

Household Living Situation

Of the 148 families enrolled in the FRSP, the majority had a set destination in the United States where they were hosted by a friend or relative who served as the family's sponsor. This final destination address was the permanent mailing address given to government officials prior to release and was the address provided to the immigration courts handling the families' immigration cases.

Safety: During home visits, FRSP case workers assessed the sponsor's home stability and flagged safety concerns in the living environment. Case workers expressed safety concerns in 28 families' living situations.

Relocation: Caseworkers reported that 39 families (26% of all cases) relocated to a new address fewer than 90 days after arrival to the sponsor's home at the final city destination. Case workers maintained and updated contact information for 22 of these families. In addition, four families continued to receive FRSP services, but were not comfortable revealing their new home addresses. Where necessary, partner agencies provided families with new referrals to services near the new addresses. In many cases families relocated within a 50 miles radius and therefore services were not interrupted.

Of the remaining 13 families, two families, after consulting with an attorney, decided to voluntarily depart the United States. Shortly after intake at their final destinations, the remaining 11 families (7% of all cases) discontinued contact with the FRSP case workers and their cases were closed.

FRSP findings: As a result of the relationships built with the caseworkers, two thirds of families who relocated due to safety or other concerns provided updated addresses to their caseworkers or otherwise remained in contact with the program. This allowed LIRS to maintain contact with the families and to ensure that families updated their addresses with the immigration courts and ICE. Addressing safety concerns and providing a stable address and living situation ensures program participants are able to comply with immigration court requirements.

Legal Services

Based on the proven relationship between legal representation and a respondent's ability to access justice in immigration proceedings, the FRSP provided participants with referrals to immigration legal service providers.⁸ Benefits of legal representation in immigration court proceedings include increased court efficiencies, better understanding of the proceedings by participants, and fewer cases decided *in absentia*. For those participants who move, legal representatives can ensure that any change of address is communicated to the immigration courts. In addition, legal orientation can include education on the importance of attending all court hearings, of providing changes of address and on avenues to alert the immigration court of any anticipated absences.

Representation data: Of the 148 families served by the FRSP, 103 families received a legal orientation. Of these, 65 families (43.9% of 148) secured representation and six of those families did so through the same agency providing the FRSP services. Partners reported that after consulting with an immigration attorney, two families signed voluntary departure forms. Eleven families moved from their original location at the start of the program, and LIRS closed their cases due to lack of contact.

FRSP findings: The data highlighted a well-established concern that despite a high referral rate and counseling to participants to try to secure legal representation, there exists a significant shortage of free or low cost immigration legal services in many local communities. Additionally, the few families represented by legal practitioners housed within social service providers indicates the need for expanding legal services within social service organizations. While it is too soon to calculate appearance rates for participants in the FRSP who received legal representation, it can be inferred, based on similar programs, that compliance rates would be extremely high.⁹

⁸ See e.g., Andrew I. Schoenholtz & Hamutal Bernstein, *Improving Immigration Adjudications Through Competent Counsel*, 21 GEO. J. LEGAL ETHICS 55, 56 nn.12–14 (2008) (noting that in a study of expedited removal cases, asylum seekers were 12.5 times more likely to succeed in their claims if represented).

⁹ U.S. Conference of Catholic Bishops/Migration and Refugee Serv., et al., *The Real Alternatives to Detention*, Justice for Immigrants, available at <https://justiceforimmigrants.org/2016site/wp-content/uploads/2017/07/The-Real-Alternatives-to-Detention-FINAL-06.27.17.pdf> (last visited on March 17, 2019); Stanford Law School Immigrant Legal Rights clinic et al., *Policy Brief Community-Based Alternatives To Immigration Detention*, available at https://law.stanford.edu/wp-content/uploads/sites/default/files/child-page/163220/doc/slspublic/DWN_ATD_Report_FINAL.pdf (last visited on March 17, 2019); Ashoka, *The Alternative To Immigrant Detention Everyone Should Know About*, Forbes (Sep 25, 2018), <https://www.forbes.com/sites/ashoka/2018/09/25/the-alternative-to-immigrant-detention-everyone-should-know-about/#7e735ff5102b>.

Physical and Mental Health Services

As part of the FRSP, family members were referred to physical and mental health professionals on an as-needed basis. Consistent with the participant's recent experiences of traveling to the United States border through rough conditions and experiencing a traumatic separation from loved ones, a high percent of participants required these services. Individuals were referred to healthcare providers in the local community for both mental health needs and physical care needs.

Health Services Data: Out of the 446 individuals in the program, 99 individuals were referred to a medical service provider. Of those, 73 individuals accessed some type of healthcare: primary care, dental care, or a vaccination. Partners also reported that five individuals required emergency room services during the 90-day service period. Of the 112 individuals requiring mental health services, only 19 (17%) were able to receive professional care within 90 days.

FRSP findings: The data regarding health care reflected, as expected, a high demand for both physical and mental health services. It also highlighted the difficulty in meeting those needs, in particular the provision of timely mental health care due to a lack of trauma services in the community and resulting waiting lists.

School Enrollment and Education

As part of the FRSP, primary school-aged participants were referred to schools and assisted in school enrollment. Under U.S. law, all school-aged children regardless of immigration status have the right to a free, appropriate public education in the United States.¹⁰

Data: Of the 162 school-aged children served in the FRSP, 136 (83.9%) were enrolled in school within 90 days. Some adults also sought educational opportunities, such as English as a Second Language or General Education Diploma classes. Partners reported that by the end of the 90-day program period, all interested adults (5% of all served adults) were enrolled in these programs.

FRSP findings: Although the majority of children were enrolled in school without incident, several public schools required that children provide their prior school records in English in order to enroll. For families who did not have these records, it was difficult to obtain them from their home country. For families who had the records in a language other than English, it was difficult to comply with this requirement because they had to pay for an English translation.

¹⁰See e.g., Priya Konings, *Protecting Immigrant Children's Right to Education* (March 01, 2017) available at https://www.americanbar.org/groups/child_law/resources/child_law_practiceonline/child_law_practice/vol-36/mar-apr-2017/protecting-immigrant-childrens-right-to-education-/.

Mr. Gonzalez, who was blinded in one eye due to violence in his home country, fled to the United States with his son and was unexpectedly separated from him at the U.S. border. As part of the FRSP program, the family transitioned from feeling bewildered and overwhelmed to a more stabilized situation.

During the caseworker's initial home visit, she was able to provide requested guidance on school enrollment and obtained clothing and school supplies. The son, who had only one change of clothes, was delighted by the donations of shoes, socks, pants, shorts, shirts, sweaters and a jacket for school.

Mr. Gonzalez was educated about local community resources and his mind was eased to learn where to find medical services within walking distance, if needed. Moreover, the FRSP partner was able to assist the family to obtain a lawyer to assist with its asylum case.

Cultural Orientation

Cultural orientation (CO) is a key aspect of community-based support. It helps orient families to the services available and to set realistic expectations about life in the United States. It also provides a safe space for their questions to be answered. Orientation topics for the FRSP focused on U.S. laws and rights and responsibilities. It also included information on various domestic subjects such as local transportation and the U.S. public school system. These CO classes often took place at the client's residence (during home visits) or at the local partner office. LIRS's partners used locally developed materials and other resources available at the Cultural Orientation Resource Center (CORE)¹¹.

Data: Over 130 (89%) adult clients participated in cultural orientation training.

FRSP findings: At the end of the cultural orientation classes, clients were able to articulate their basic rights and responsibilities and demonstrate understanding of basic U.S. laws. With sufficient lead time, the CO classes are an excellent opportunity to provide tailored information to the client based on their unique situation and needs.

Transportation

Families' transportation needs were met by their sponsors, FRSP case workers and local public transportation services. Transportation assistance from FRSP case workers included pick-ups and drop-offs to and from ICE local offices, appointments with legal service providers and medical appointments.

Data: Case workers provided transportation assistance to nearly 34 families (22.9% of all served cases).

¹¹ Cultural Orientation Resource Exchange, *available at* <https://coresourceexchange.org>.

FRSP findings: FRSP case workers were able to provide transportation support in a cost effective manner. This touch point allowed case workers to check in with clients, thus ensuring their successful integration as well as, compliance with ICE and immigration court obligations. In addition, transportation services provided by sponsors or others in the community highlights the advantages of community-based support.

Local Community Involvement

Local community involvement and support was evident throughout the Family Reunification Support program. For instance, partners received in-kind donations such as referrals to local food banks and food pantries, free clothing and various forms of monetary donations, such as gift cards. The program engaged two interns and one AmeriCorps/Vista member. Local government and corporate partners provided considerable support.

The Mayor’s office for the City of Atlanta connected LIRS’s partner Inspiritus (formerly Lutheran Services of Georgia) with the UBER Company which provided over 110 rides to families living in remote areas

Program Costs

The federal government currently spends \$319 per day to detain an individual in family detention facilities.¹² LIRS and its partners spent just \$14.05 per person each day to provide community-based support to reunited families, including the wide breadth of services detailed above. Clients enrolled in the program received bilingual support from well-qualified staff who are approved by ORR to provide case management to minors and who are trained to deal with traumatized clients.

Family Reunification Support Program Costs

Total LIRS Cost	\$175,908 ¹³
Total Partner Cost	\$212,500
Emergencies and Incidentals	\$3,848
Total Program Cost	\$392,256
Individuals Served In The FRSP	310 People
Program Period	90 Days
Average Cost Per Person/ Per Day	\$14.05

This program included those community-based support services, such as assurance of stable housing, referrals for pro bono legal services, access to medical care and enrollment education which have been linked to high immigration court appearance rates.

¹² Department of Homeland Security, *U.S. Immigration and Customs Enforcement Budget Overview Fiscal Year 2018 Congressional Justification*, available at https://www.dhs.gov/sites/default/files/publications/CFO/17_0524_U.S._Immigration_and_Customs_Enforcement.pdf.

¹³ This number was calculated through 12/31/2018. Total LIRS Cost = Total Expenses (\$596,241.73) – Affiliate Operating Costs (\$420,333.58) = \$175,908.15

LIRS stood up this program virtually overnight and with no designated funding. Within two weeks, LIRS had mobilized¹⁴ a network of 32 partners across 34 states to support the reunified families.

Because the program was created to address the family separation crisis and not foreseen in LIRS' 2018 budget, LIRS used emergency funds raised from private donors to finance the program. LIRS recognized the need for longer-term case management, however funding availability restricted the service to a 90-day period. With additional funds LIRS would extended the service period and widened the program's reach to include families released from immigration detention who did not experience separation.

¹⁴ LIRS established a Memorandum of Understanding with each of the 32 partners participating in the program and partners received funding on a cost reimbursable basis.

Conclusions and Recommendations

Despite a limited timeframe for standing up and operating the Family Reunification Support program, LIRS and its partners were able to observe positive qualitative and quantitative impacts on the reunited families enrolled in this community-based program. As previously stated, it is too early to track data on compliance with immigration court appearance obligations; however, this program which emphasized trauma-informed care based on child and family welfare principles included aspects such as access to community-based support for basic housing, healthcare, legal and educational needs which have been shown to be consistent with near perfect appearance rates.

Based on its experience with this 90-day program, LIRS has several recommendations to improve future programming. These recommendations fall into several areas including: meaningful access to legal services and information, access to mental health care and increased program capacity.

Access to Legal Services and Information

The U.S. immigration legal system's complexity has been compared to that of the U.S. tax legal system. For immigrants and asylum-seekers, this complexity is compounded by their lack of English language skills, lack of familiarity with the U.S. system and often recent trauma related to their migration. Thus, securing legal representation is critical to their ability to access justice in immigration proceedings and understand their obligations to the court and other government entities such as ICE.

For detained immigrants government-funded Legal Orientation programs (LOP), as well as privately-funded Know Your Rights programs, are educational services that offer critical advice and information about immigration laws, immigration processes and the importance of attending court dates. LOP is also credited for helping detained immigrants secure pro bono legal assistance. LOP is not a substitute for legal representation, however, it is a low cost and efficient method of educating immigrants with no knowledge of their legal rights and responsibilities and helps them understand our immigration system and the importance of immigration compliance until they can secure a pro bono attorney.

As detailed above, the FRSP partners had a difficult time matching participants with free or low cost legal services. Accordingly, LIRS recommends the following steps to ensure that participants in any community-based alternatives to detention (such as the FSRP) receive at least a base-line understanding of the U.S. immigration system and how to secure a pro bono attorney, as well as increasing the availability of such legal representation.

Recommendations

Congress and Department of Justice

- Continue to fund the Executive Office for Immigration Review (EOIR)'s Legal Orientation Program (LOP) and Immigration Court Helpdesks (ICH).

Department of Justice

- Work with the Department of Homeland Security to ensure that any migrant family in government custody receives an LOP presentation, including, upon release, written materials with names and addresses of low cost immigration services in their final destination.
- Increase outreach to the legal community with regard to changes in the recognition and accreditation process for accredited representatives appearing in immigration proceedings.
- Revive the Justice AmeriCorps program and expand its scope to include representation for families.

Department of Homeland Security

- Work with the Department of Justice, EOIR, to ensure that any migrant family in government custody receives an LOP presentation, including, upon release, written materials with names and addresses of low cost immigration services in their destination location.
- Provide legal information explaining the immigration process, legal rights and obligations, as well as how to file change of address forms with immigration courts should be available in indigenous languages. (Office of Civil Rights and Civil Liberties/ Immigration and Customs Enforcement).
- In the absence of a robust community-based services support program, provide asylum seeking families released from immigration detention with printed copies of “First Steps.” This manual was developed by LIRS to provide guidance for asylum seekers and other vulnerable populations, in several areas including: to understand how to connect with community services, understand their legal rights here in the U.S. and how to follow up with their immigration court cases.

Funders

- Assist partner organizations to expand their in-house legal services, recruit more attorneys to volunteer their time and commit to represent families in immigration court and access opportunities for technical assistance.

National Service Providers

- For those who require training and support, increase investments in obtaining technical assistance.
- For those providing technical assistance, offer a range of services, decrease barriers to obtaining such services and conduct community outreach efforts.

Mental Health Services

Not unexpectedly, both adult and child participants in the FRSP program displayed a critical need for mental health services; however, access to mental health services, including counseling, support groups and/or medications was difficult to obtain and clients faced long waiting lists. In fact, only 30% of individuals referred to mental healthcare providers were able to access services. Although the shortage in mental health specialists and physicians is a challenge nation-wide, with additional financial resources,

partner organizations can leverage tools and educational materials to help families while they wait for professional help, as well as pilot innovative solutions. One such innovation is “Telepsychiatry,” which is a subset of telemedicine. Services provided can range from psychiatric evaluations, therapy (individual, group, or family therapy), patient education and medication management.¹⁵

Recommendations

Funders and National Service Providers

- Provide mental health first aid training to case workers and other direct services staff.
- Develop easy to read resources and make it available to vulnerable clients in their native languages.
- Use innovative technology such as “telepsychiatry” video conferencing services to provide psychiatric services.
- Support clergy in providing counseling aimed specifically at recently arrived migrants in community-based alternatives to detention programs. This can include specialized education in leading group therapy sessions and partnering with local torture survivor programs.

Expanding Enrollment for Community-Based Services Program

Partner organizations were approached by asylum-seeking families who had been recently released from immigration detention and sought to be enrolled in the FRSP community-based program. Partner organizations did not have the capacity, staffing or financial resources to provide case management services to these families. LIRS views this as a missed opportunity to provide these families with access to community-based support for basic housing, healthcare, legal and educational needs, as well as assist the government with its goal to assure compliance with immigration court obligations.

Recommendations

Department of Homeland Security

- Tender a request for proposal for community-based case management services for asylum-seekers consistent with the Conference Report Language (H. Rept. 116-9) in the 2019 Appropriations bill.
- Consider consulting with non-profit organizations with expertise providing these services before drafting the RFP.

Funders

- Provide additional funding to support case management programs for asylum seekers.

¹⁵ American Psychiatric Association, *What is Telepsychiatry?*, available at <https://www.psychiatry.org/patients-families/what-is-telepsychiatry>.

Programmatic Adjustments with Regard to Family Unity and Separations

Department of Homeland Security

- Appoint an official “Family Unity” Ombudsman to lead coordination of the remaining family reunifications and monitor future incidences of family separation. This position should be within DHS as it is the agency with the greatest visibility at the point of separation.
- Ensure that ICE issues Notices to Appear and other discharging immigration paperwork that reflects the final destination of families, not the address of the reception site or immigration detention facility court.