

Citizenship Assessment Instrument

Case/Client Information

Case Name: Child/Youth: Date Diligent Search Conducted: Search for Relatives outside of the U.S.: Date Foreign Consulate Contacted: Created By: See ROC Notes in Trails <input type="checkbox"/>	Case #: Birth Date: Country(s) of Origin/Citizenship: Foreign Consulate: Date Created:
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Identifying Documents on file:

Enter documents here, i.e. birth or baptismal certificate, passport, I-94 (Visa), alien registration card, etc.

Section I: Citizenship Assessment

Check all that may apply. (See section III for definitions.)

1. Is the child/youth a U.S. citizen? (Some children are U.S. citizens without knowing it.)

Yes No To Be Determined (If yes, stop here.)

- Anyone born in the U.S., Puerto Rico, Guam, Northern Mariana Islands or U.S. Virgin Islands is a citizen, and anyone born in American Samoa or Swain Island is a national who cannot be deported.
- If the person is born outside the U.S., ask the following two threshold questions to see if the person is automatically a U.S. citizen. If the answer to either might be yes, refer the person for immigration counseling.
 - Were any of the person's parents or grandparents U.S. citizens at the time of the person's birth? or
 - Before the person's 18th birthday, did both of these events happen (in either order): the child became a permanent resident, and at least one natural or adoptive (but not step-) parent having some form of custody over the child was or became a U.S. citizen.

2. Is the child/youth currently under dependency, delinquency or family court jurisdiction where the court has ruled that:

- The child cannot be reunified with one or both parents because of abuse, neglect or abandonment. (*Immigration and Nationality Act (INA) § 101(a)(27)(A); 8 U.S.C. § 1101(a)(27)(J); and 8 C.F.R. § 204.11.*)
- It would not be in the child's best interest to be returned to the home country.

Yes No To Be Determined

- If the answer to either of the above questions is "yes" or "to be determined", the child may qualify for **Special Immigrant Juvenile Status (SIJS)**, refer to an immigration attorney.
- **Important:** The child should stay in the jurisdiction of the court until the SIJS application is adjudicated, so be aware of youth aging out of the system. It may be prudent for the county to petition the court to extend youth in care until SIJS process is fully completed. Consult an immigration attorney prior to closing the case.
- If delinquent, it is important that the youth is making progress in treatment.

3. Have there been reports that the child/youth has been abused or neglected by a *U.S. citizen or permanent resident* family member, including natural parent or stepparent?

Yes No Suspected

Has the child/youth's parent been a victim of domestic violence by his or her U.S. citizen or lawful permanent resident spouse? (D.V. can be self-reported.)

Yes No Suspected

- If the answer to either is yes or suspected, refer the person for immigration counseling.
- The child (or other family members) may qualify for **Violence Against Women Act (VAWA) relief.**
 - The child does not need to be under current court jurisdiction, and may be reunited with the non-offending parent.
 - The child will need to show "good moral character."

4. Has the child/youth been a victim of a serious crime in the U.S. or of human trafficking? (See section III for definitions of Qualifying Criminal Activity and Human Trafficking.) The child also qualifies if the parent is a victim.

Yes No

Is the child/youth willing to cooperate with authorities to investigate or prosecute the offense?

Yes No

If yes, the child may qualify for SIJS status or a T or U visa. Refer for immigration counseling.
*Other family members may also qualify for a T or U visa.

5. Does the child/youth have a *U.S. citizen or permanent resident parent or family member* who is willing to petition for him or her? The child/youth may qualify for a **family immigration petition.**

Yes No Suspected (If yes or suspected, refer to an immigration attorney.)

Has petition already been filed?

Yes No Unknown

6. Does the child/youth come from a country that has recently experienced *civil war or natural disaster*?

Yes No Suspected

Does the child/youth fear return to his or her home country because of *persecution*?

Yes No Suspected

- If the answer to either might be yes, refer the person to an immigration attorney. See section II for resources.
The child may qualify for other forms of relief such as **asylum and temporary protective status.**

Enter additional information here:

**Adapted from a screening tool by Angie Junck, immigration attorney, Immigrant Legal Resource Center, (January 2009)*

Section II: Joint Assessment and Plan Agreement

Referrals Made:

Status:

For youth 10 years old and over, signature indicates youth's involvement in development of the Citizenship Assessment:

Youth: _____

Caseworker: _____

Date: _____

Other: _____

When completed, if you answered yes or suspected to any of the previous questions, call for follow-up for immigration counseling:

- **Rocky Mountain Immigration Advocacy Network**
Kathleen M. Glynn, Equal Justice Works Fellow, Children's Program
3489 W. 72nd Ave., Suite 211
Westminster, CO 80030
Direct Line: (303) 433-2812, ext. 107
Fax: (303) 433-2823
Email: kglynn@rmian.org
Web site: www.rmian.org

Additional Immigration Resources:

- Denver Coalition for Integration
www.denverintegration.org
- OneMorgan County
www.onemorgancounty.org
- Catholic Charities
www.ccdenver.org/Services/Immigration-Services.aspx
- Lutheran Family Services
refugee@lfsrm.org
- Bridging Refugee Youth and Children's Services (BRYCS)
<http://www.brycs.org/>

Section III: "Citizenship and Immigration Definitions"

Instructions: Check all that apply. (For purposes of eligibility.)

- ❑ **40 Quarters of Social Security-** Some categories of non-citizens who work for 40 quarters in the U.S. (work that is legally covered by Social Security), can qualify for public benefits, i.e. food stamps. Some agricultural earnings may count. A non-citizen can count his/her spouse's quarters of work, unless they are divorced (separated or widowed is okay). *Children can count their parents' quarters if they occur before the child's 18th birthday.* The non-citizen cannot count quarters after 12/31/96 if they received benefits during that quarter (school lunches not included).

40 quarters can substitute for an **Affidavit of Support.** An Affidavit of Support is typically used when seeking permanent residency, needed to show that a visa applicant has sponsorship and will not become a public charge while in the U.S.
- ❑ **Alien with Sponsor-** Non-citizens who are likely to be a public charge upon entry (i.e., will likely end up on welfare) are inadmissible. To gain entry into the U.S., the non-citizens must show that someone will support them financially. The sponsor must show that s/he can financially support the immigrant by filing an Affidavit of Support.
- ❑ **Amnesty-** Specific groups of non-citizens living in the U.S. illegally, who were granted permission to remain in the United States by an act by Congress. Green cards were issued for those granted amnesty. (This has been passed by Congress in the past but does not exist today.)
- ❑ **Asylee-** A person fleeing his or her country of origin, because of persecution by his/her government based on race, religion, nationality, political opinion, or membership in a particular social group. Asylees apply for and are granted asylee designation *after* their arrival in the U.S. Until they are granted this status, they are 'asylum seekers' and can have work authorization during that time, in certain limited circumstances. Asylees can become Lawful Permanent Residents after one year in asylee status. (An asylee is a person who meets the definition of a refugee, but is already in the U.S. or is at the border or another port of entry when seeking refuge.)
- ❑ **Family-based Petition-** The child has a biological, step or adoptive parent that is a U.S. citizen or Lawful Permanent Resident who is willing to help them immigrate to the U.S. and become a Lawful Permanent Resident. Other categories of family-based petitions also exist (i.e., spouses can petition for each other, U.S. citizens can petition for siblings, etc.).
- ❑ **Human Trafficking-** Labor: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery OR
Sex: in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age
- ❑ **Lawful Permanent Resident-** The status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws. Lawful permanent residents can be deported in certain circumstances.
- ❑ **Naturalized U.S. Citizen-** An immigrant who applies to and becomes a U.S. citizen, after being a Lawful Permanent Resident for five years, or after three years of being a Lawful Permanent Resident, if the residency was obtained through marriage to as U.S. citizen.
- ❑ **Non-Citizen Unqualified-** A non-citizen who does not fall into any of the categories listed under "Qualified Immigrant" below. (This includes legal temporary visitors, i.e. those with business, student or work visas.)
- ❑ **Qualifying Criminal Activity-** For a listing of qualifying criminal activity, see INA § 101(a)(15)(U)(iii) and 8 C.F.R. § 214.14(a)(9). The list includes rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, or attempt, conspiracy or solicitation to commit any of the above, or any similar activity in violation of federal, state or local criminal law.
A listing of qualifying criminal activity can also be found on the U Visa application, Form I-918, available at www.uscis.gov under the "Forms" tab.

- ❑ **Qualified Immigrant-** "Qualified" immigrants refers to those non-citizens eligible for federal public benefits. In general, those who are "qualified" include: (1) lawful permanent residents; (2) refugees, asylees, persons granted withholding of deportation/removal, conditional entry, or paroled into the U.S. for at least one year; (3) Cuban/Haitian entrants; (4) battered spouses and children with a pending or approved (a) self-petition for an immigrant visa, or (b) immigrant visa filed for a spouse or child by a U.S. citizen or LPR, or (c) application for cancellation of removal/suspension of deportation; and (5) victims of trafficking who have obtained a T visa. Each category of federal public benefit (i.e., SSI, TANF, food stamps) has its own requirements. Also, certain other conditions may have to be met (i.e., quarters of work achieved, etc.) Please note: non-citizens who are not qualified for certain federal government benefits may be qualified for state or local government benefits.
- ❑ **Non-Citizen Conditional Entry-** Under federal public benefits law; the category of "qualified" immigrants includes persons granted conditional entry. This occurs very rarely, under exceptional circumstances.
- ❑ **Non-Citizen Deportation Withheld-** Under federal public benefits law; the category of "qualified" immigrant includes persons whose deportation is withheld. This occurs very rarely, under exceptional circumstances.
- ❑ **Non-Citizen Paroled in U.S. 1 Year-** Under federal public benefits law, the category of "qualified" immigrants includes persons who have been paroled in the U.S. for 1 year. This occurs very rarely, under exceptional circumstances.
- ❑ **Refugee-** A person fleeing his or her country of origin because of persecution by his/her government based on race, religion, nationality, political opinion, or membership in a particular social group. Refugees receive their designated status *prior* to resettlement in the U.S. Refugees can apply to become Lawful Permanent Residents after one year in the United States refugee status.
- ❑ **Special Immigrant Juvenile Status (SIJS)-** A child/youth (under 21 years of age and unmarried) who is under the jurisdiction of a juvenile and/or delinquency court, and for whom the court has found that the child cannot reunite with one or both parents, due to abuse, neglect or abandonment. If granted SIJ Status, the child is eligible to become a Lawful Permanent Resident.
- ❑ **T Visa-** (Victims of severe forms of trafficking.) The individual has received this visa because he/she has been forced or coerced into sexual or labor services. This is a temporary, non-immigrant visa, but the individual can apply for lawful permanent residency after three years.
- ❑ **Temporary Protected Status-** People from certain designated countries that have experienced devastating natural disasters or civil strife, who have received permission to be in the U.S. Those individuals with TPS obtain temporary work authorization.

The listing of countries that qualify for temporary protective status can be found by visiting www.uscis.gov and then by clicking the "Temporary Protected Status" link under the "Humanitarian" section. The nationals of the following countries **may be** TPS eligible: El Salvador, Haiti, Honduras, Nicaragua, Somalia and Sudan. Each country has different requirements regarding eligibility, which can also be found on that same page, though it is recommended to consult with immigration counsel regarding eligibility.

- ❑ **U Visa** (Victims of crimes)- The individual has received this visa because, as the victim of a certain qualifying crime, he/she suffered substantial physical or mental abuse and has been, is being or is likely to be helpful (or parent is helpful) to authorities in the investigation or prosecution of the crimes. (A signed "certification" from law enforcement or child protective services is required to apply.) The crime does not have to occur in the U.S., but must be the type of crime that would be investigated or prosecuted by U.S. law enforcement. This is a temporary non-immigrant visa but the individual can apply for permanent residency after three years.
- ❑ **U.S. Citizen-** Individuals born in the United States, Puerto Rico, Guam, Northern Mariana Islands or U.S. Virgin Islands. A person born outside the U.S. can automatically acquire U.S. citizenship if his/her parent or even grandparent was a U.S. citizen.
- ❑ **U.S. National-** Anyone born in American Samoa or Swain Island is a national who cannot be deported.

- ❑ **Unaccompanied Refugee Minor (URM)**- Refugee children/youth overseas who are determined eligible by the Office of Refugee Resettlement through Department of Homeland Security, for resettlement in the U.S., but do not have a parent or a relative available and committed to providing for their long-term care. Upon arrival in the U.S., these refugee children are placed into the URM program and receive refugee foster care services and benefits. This is a benefits eligible classification that can also include SIJS and trafficking survivors.
- ❑ **Undocumented Immigrant**- A person who comes to live and stay in a host country without legal documentation or permission. He/she may have entered the U.S. unlawfully or may have an expired or revoked visa. Undocumented immigrants do not have the permission to work and are not eligible for most federal benefits. Children are entitled to a K-12 grade education. Children and adults are entitled to Emergency Medical treatment.
- ❑ **Violence Against Women Act (VAWA)**- The child has been battered or subjected to extreme cruelty (including emotional abuse) by a U.S. citizen or permanent resident parent, stepparent. Battered spouses are eligible also. The battered child can self-petition in lieu of relying on the abusive parent. If approved, the child may be eligible to become a Lawful Permanent Resident.