

Immigration Referral Tool

For Child Welfare Attorneys

1. Immigration Legal Services Provider: _____

2. Email: _____

3. Phone: (_____) _____

4. Address: _____

Instructions:

- Fill out this form and email it to the immigration legal services provider or contact listed above, as a referral.
- Recommend that the child bring to the first immigration law appointment any identification documents, such as a birth certificate or passport, if available, and any immigration papers, such as from ICE, USCIS, CBP, or EOIR.

Case File Information to Include:

5. Today's date: _____

6. Child's name: _____

7. Child's DOB/age: _____

8. Child's best language: _____

9. Was the child born outside the United States? YES NO

10. Indicate what identification documents are currently contained in the child welfare agency file (e.g., Birth Certificate, Passport, ID Card, Other) _____

11. Child welfare case status (e.g., pre-adjudication, permanency): _____

12. Caseworker name & contact information: _____

13. Child's child welfare attorney/GAL name & contact information: _____

14. Current type of placement (e.g., kinship home, non-kin foster home, independent living setting, residential treatment setting): _____

15. Child's current grade in school: _____

16. Additional information/notes: _____

Attorney Referral Tool: Additional Questions

****Based on your established relationship with your child client, you are in a unique position to have confidential and trusted conversations with the child and may be able to provide a new immigration attorney meaningful information that will result in less re-traumatization for the child. The questions and topics below are optional ones to explore with your client. None is required by the referral tool. See Section II, below, regarding advising your client of the confidential nature of your conversations and seeking their consent to share any information with an immigration attorney.**

1. Entry Information. I'd like to talk with you a little more about when you came to United States. Do you know how you entered the United States? When did you enter? Where did you enter? Would you tell me what you remember about how you crossed into the United States? Who was with you on the journey from your country of birth? How did you know them? What arrangement did you or your family make with them? How much did it cost? Who was going to pay? How were they going to get the money?

2. Family Stability. Do other people in your family, like your parents or brothers or sisters, need help getting papers? Who? How can we contact them?

3. Kinship Placement Options. Do you have a family member or friend that you would rather live with right now instead of caregiver? Who is that person? Do you know if they need help with getting papers? How can we contact them?

4. Asylum Issue-Spotting: Have you or has anyone close to you been harmed in the past? Can you tell me about what happened? Do you know why that happened? What are some of your concerns if you were to return to [country of birth]?

5. SIJS Issue-Spotting: The attorney can consider whether the child is a survivor of abuse or neglect or abandonment under state law. Has child experienced abuse, neglect, or abandonment by either parent, in the U.S. or in the country of birth? If so, relevant questions include: Where does your mom/dad live? When was the last time you saw mom/dad? When you lived in [country of birth] did you go to school? How often did you attend school? Did you work? What kind of work did you do? Was there ever a time when someone in your family got hurt by another person in your family? What happened?

6. VAWA Issue-Spotting: Can you tell me about your relationship with [alleged offender]? How has [he] treated you in the past? How has [he] treated other people in your family (i.e. your parent, brother, or sister)?

7. U Visa Issue-Spotting: Have you ever had to talk to the police? Can you tell me a little about that? Who called them? Why did they want to talk to you? Do you know if there was a police report? Do you know if anyone was charged in court with a crime?

8. T Visa (Trafficking) Issue-Spotting: Do you owe anyone any money? Does your family owe any money that you have to pay for them? Do you have a job right now? Have you ever had a job? What kind of job? How much were you paid? Has anyone ever promised you something or threatened something in exchange for your services/ actions? Has anyone ever threatened you? Has anyone ever threatened your family or friends? Has anyone ever made you do anything that you don't want to do [with your body]? Have you ever had sexual contact with an adult?

9. Key Question Citizenship: Do you have any parents or grandparents who have papers to be in the U.S.? Any other family members? Who?

Referral Tool Instructions & Resources

I. Introduction

This tool is designed to help attorneys of children in foster care identify if a child may benefit from services from an immigration attorney and make a meaningful referral to that attorney. Information relevant to an immigration expert's analysis is available in a child's case file and may be provided by the caseworker or child's attorney. But a child's attorney also can offer a confidential setting for the child to share important and sensitive details of their background and journey to the United States. If elicited in a trauma-conscious way by the child welfare attorney with the child's consent, that information can facilitate the immigration attorney's consideration of the case and representation without further harming the child.

Immigration status may affect every aspect of a child's life, including eligibility for services, medical and mental health care, employment, higher education, housing, and the timeline for achieving permanency. Legal relief options exist for eligible immigrant children without lawful status, but the process is time-consuming and should begin as soon as possible with the support of high-quality legal representation. The immigration attorney who receives this referral form may be employed within the agency, serve under contract with the agency, or be an attorney offering pro bono representation.

The child's attorney can inform the parent and parent's attorney of the referral process, so that they are aware.

II. Communicating with the Child

Before referring the child to an immigration attorney, you, as the child's attorney, should explain the process to the child, remind the child that your conversations are protected by lawyer-client privilege, and get the child's consent. As part of safely communicating with children and identifying whether a referral is appropriate, you can:

- ▶ Determine whether the child's birth certificate is foreign or missing;
- ▶ Explain to the child that the U.S. government has some special programs for children to get documentation and papers;
- ▶ Let the child know that they have the choice about whether you will refer the child to an immigration attorney or not;
- ▶ Assure the child that, as with all information obtained in your lawyer-client conversations, you will not share the information without the child's permission. Explain you intend only to share the information with the immigration law office to whom you are referring the child, and will not share it with any immigration or state/local law enforcement agencies;
- ▶ Consider beginning with statements and questions such as:
 - "I know from your file you don't have a U.S. birth certificate. I can make a request to connect you to an immigration attorney who can help you get papers (or legal status) in the United States. Do you want me to request that for you?" Or: "Do you want to talk with an immigration attorney to see if they can help?"
- ▶ Then continue with questions such as those included in the "Entry Information" and other items from "Additional Questions" resource, above on page 2.
 - Asking all the "Additional Questions" may be overwhelming for a child; select which are most relevant based on this and previous conversations you have had with the child, or through "issue-spotting" by considering the checklists below on page 6.

III. Completing the Referral Tool

Children's attorneys can complete much of the first page of the referral tool by using information contained in the agency's case file. Additional information about the child's immigration is sensitive and should be

explored only within confidential lawyer-client conversations, and with the consent of the child client.

Items 1-4 reflect information about the immigration legal services provider with whom the tool will be shared as a referral form.

Items 5-16 reflect information to be drawn from the agency case file or attorney's file of confidential materials. If the child provides additional information, please include in Item 16 as a note for the immigration attorney to follow-up.

Additional Questions reflect the area(s) that may be relevant to an individual child's immigration case. Child welfare attorneys can explore the most useful areas under guidance offered in Section II, above on page 3.

IV. Immigration References & Optional Resources

Though additional information about immigration legal relief, federal government agencies, and related topics is not required to complete the referral tool, it may be of interest to children's attorneys. Additionally, these links and information may be provided to the child, caregiver, and caseworker for their further exploration. The resources included below are not exhaustive and do not provide legal advice.

a. Selected Immigration Relief Options

Issue	Additional Information
SIJS	Special Immigrant Juvenile Status (SIJS) is available to eligible children who have experienced neglect, abuse, or abandonment by a parent. Learn more: Project Lifeline , including the site's database of state age-out laws .
Asylum	Asylum is available to eligible persons who are unable or unwilling to return to their country or avail themselves of the country's protection because they have suffered past persecution or a well-founded fear of future persecution. Learn more: Immigrant Legal Resource Center
T Visa	A T visa is available to eligible noncitizens who are trafficked for labor or commercial sex in the U.S. Learn more: ASISTA , Coalition to Abolish Slavery & Trafficking
U Visa	A U visa is available to eligible survivors of certain crimes who have been helpful in the investigation or prosecution of that crime. Learn more: ASISTA , ILRC
VAWA	Violence Against Women Act (VAWA) protections allow eligible survivors of domestic violence and their children to petition for legal status in the United States without relying on abusive U.S. citizen or legal permanent resident spouses, parents, or children. Learn more: ILRC , ASISTA
TPS	Temporary Protected Status (TPS) is an immigration status granted to eligible nationals of a designated country or persons without nationality who last habitually resided in that country. Learn more: CLINIC . Complete list of countries: https://www.uscis.gov/humanitarian/temporary-protected-status

b. General information: Center on Immigration and Child Welfare, <https://cimmcw.org/resources/key-immigration-child-welfare-resources/>

c. Public Benefits Based on Immigration Status: National Women's Advocacy Project, <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>

d. Legal Referrals

i. **Immigration Advocates Network (Non-Profit)**, <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>

ii. **DOJ List of Pro Bono Legal Service Providers**, <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>

iii. **AILA Find a Lawyer** (Includes Private Practice), <https://www.ailalawyer.com/>

e. Systems & Updates

i. **Executive Office for Immigration Review (EOIR) Hotline/Case Status** – Resource to determine hearing dates (A-number is required to access information): 1-800-898-7180; <https://acis.eoir.justice.gov/en/>

ii. **I-94 Website** – Resource with admissions and parole records for adults, and to search for Alien registration number (A-number). If the child entered with parent, child's A-number will typically be 1 digit off the parent's: <https://i94.cbp.dhs.gov/I94/#/home>

iii. **Immigration and Customs Enforcement** Resources if the child's parent has been detained:

1. **ICE Detainee Locator**: <https://locator.ice.gov/odls/#/index>

2. **To contact ICE and/or try to engage a parent about pending child protective, family court, or child welfare case**, use ICE's ERO Contact Form, <https://www.ice.gov/webform/ero-contact-form>, for a "Parental Interests" inquiry.

3. **Additional information available**: <https://www.ice.gov/detain/parental-interest>

iv. **Office of Refugee Resettlement (ORR)** Resources for a child who was in federal ORR custody

b. **General information**: Center on Immigration and Child Welfare, <https://cimmcw.org/resources/key-immigration-child-welfare-resources/>

c. **Public Benefits Based on Immigration Status**: National Women's Advocacy Project, <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>

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iii. **AILA Find a Lawyer** (Includes Private Practice), <https://www.ailalawyer.com/>

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3. Additional information available: <https://www.ice.gov/detain/parental-interest>

iv. Office of Refugee Resettlement (ORR) Resources for a child who was in federal ORR custody

1. Hotline/Child Locator: for use by parent, guardian, and legal representative; 1-800-203-7001; information@ORRNCC.com

2. To request an ORR File: <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-5#5.10.1>; email UCRecords@acf.hhs.gov (with ARR form and Notice of Rep)

v. Sex or Labor Trafficking Resources, HHS Office on Trafficking in Persons (OTIP):

1. Child Protection Team – To pursue HHS OTIP certification for trafficking survivors (access to federal assistance)

Phone: 202-205-4582

Online assistance: <https://www.acf.hhs.gov/otip/victim-assistance/child-eligibility-letters>

Email: childtrafficking@acf.hhs.gov

2. Certification Specialist for adult sex or labor trafficking:

Phone: 1-866-401-5510

Email: trafficking@acf.hhs.gov

vi. U.S. Citizenship and Immigration Services (USCIS) Status (need Receipt Notice) – Resource to determine USCIS case status: <https://egov.uscis.gov/>

Issue-Spotting Checklists

Disclaimer: The following checklists briefly highlight immigration relief options. They are not exhaustive and are meant to help children's attorneys with issue spotting and immigration referrals. They do not provide legal advice for individual cases or guarantee a child's eligibility for any specific immigration relief.

SIJS

- ☐ Dependency, custody, or guardianship of child
- ☐ Abuse, neglect, or abandonment by mother or father
- ☐ Best interest to remain in U.S.
- ☐ Unmarried

Asylum

- ☐ Afraid to return to home country
- ☐ Past harm or fear of future harm
- ☐ Protected ground: Race, Religion, Nationality, Political Opinion, Gender, LGBTQ+, Family and Others

T Visa*

**Children are exempt from cooperating with law enforcement*

Labor Trafficking

- ☐ Owes money for travel
- ☐ Not enrolled in school/not regularly attending
- ☐ Missing or inaccurate documents, such as multiple DOBs, spellings, etc.
- ☐ Attenuated family or caregiver situation
- ☐ Limited eye contact
- ☐ Fearful, anxious
- ☐ Rehearsed answers
- ☐ Fraud, false promises, threats, or coercion involved

Sex Trafficking (minors cannot consent)

- ☐ Harbored, Transported, Obtained, Recruited, Enticed, or Caused to engage in...
- ☐ Commercial Sex Act

U Visa

- ☐ Mental/ physical abuse (qualifying crimes include domestic violence, rape, kidnapping, false imprisonment, etc.)
- ☐ Police have been called/police report
- ☐ Willingness to cooperate with law enforcement

VAWA

- ☐ Severe physical or emotional abuse
- ☐ Alleged perpetrator is U.S. Citizen or Lawful Permanent Resident
- ☐ Alleged perpetrator is parent or step-parent of child
- ☐ Abuse can be directed to child or other parent

TPS

(<https://www.uscis.gov/humanitarian/temporary-protected-status>)

- ☐ Afghanistan, Ukraine, Cameroon, Haiti, Venezuela, Ethiopia, Syria, Somalia, others

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