

Immigration Referral Tool

For Caseworkers

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: _____

Referral Tool Instructions & Resources

I. Introduction

This tool is designed to help caseworkers identify whether a child in foster care may benefit from the services of an immigration attorney. Caseworkers should include information available in the agency's case file and then provide the tool to an immigration attorney, after discussing the opportunity to meet with an attorney with the child. The immigration attorney can then elicit additional relevant information through confidential conversations about sensitive topics with the child client.

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 caseworker should 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, the caseworker should explain the process to the child and get the child's consent. As part of safely communicating with children and identifying whether a referral is appropriate, a caseworker 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 you will not share the information without the child's permission or with anyone other than the immigration

law office to whom you are referring the child, including immigration or state/local law enforcement agencies, and share with the child any relevant agency policies on the topic; and

- ▶ Consider using the following statements and questions:
 - "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?"
 - "It looks like we're missing some school information. Have you ever attended school in [this state]? Where was the last place you attended school?"

III. Completing the Referral Tool

Caseworkers should complete as much of the tool as possible by using the information contained in the agency's case file. Additional information about the child's immigration is sensitive and should be explored only within the confidential relationship of the child and their attorney.

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 case file.

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 caseworkers and relevant to their work with immigrant children and parents. Additionally, these links and information may be provided to the child and caregiver 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

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

status:

<https://egov.uscis.gov/>

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