



## A SOCIAL WORKER'S TOOL KIT FOR WORKING WITH IMMIGRANT FAMILIES

### Immigration Status and Relief Options June 2015



*The Immigrant Legal Resource Center (ILRC) is a national, non-profit resource center that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The mission of the ILRC is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people. The ILRC has expertise on the cross-section of state juvenile systems and immigration law, and authors the only comprehensive, national guide on Special Immigrant Juvenile Status.*



**THE CENTER ON  
IMMIGRATION  
AND CHILD WELFARE**

*The Center on Immigration and Child Welfare (CICW), formerly the Migration & Child Welfare National Network (MCWNN), aims to improve programs and policies related to immigrant children and families involved in the public child welfare system. CICW conducts and disseminates research, develops policy and practice recommendations, develops and disseminates resources, and works with federal, state, and local child welfare agencies to facilitate policy and practice improvements. Visit the CICW at <http://cimmcw.org>.*



---

## IMMIGRATION STATUS AND RELIEF OPTIONS

---

### Objectives

- To understand the implications of immigration issues and how they impact outcomes in child welfare.
- To develop assessments to assist child welfare staff in gathering immigration facts and documentation.
- To understand the different potential immigration relief options available to assist a child or family member.
- To address issues of disparity and disproportionality due to a lack of understanding and familiarity of the dynamics of immigration.

### Summary

The purpose of this tool kit is to provide public child welfare workers with a basic overview of the dynamics of the U.S. immigration system as it impacts their clients. A Child Welfare Flowchart is the companion to this document and available online at <http://cimmcw.org/resources/practice/practice-toolkits/>. The tool kit reviews basic immigration concepts and constructs such as:

- The Department of Homeland Security, its three branches and other relevant governmental entities
- Immigration status and classifications
- The migration experience
- Confidentiality
- Immigration relief options

The tool kit also includes the following appendices with supporting web links:

Appendix 1: Vital Documents for Immigrant Children in the Child Welfare System

Appendix 2: Five Action Items to Facilitate Communication between the Child Welfare System and Immigration Legal Counsel

Appendix 3: Screening Questions for Immigrant Youth: Determining Potential Avenues for Legal Status

Appendix 4: Summary of Immigration Relief Options Applicable to Youth in Dependency Proceedings

Appendix 5: Glossary of Immigration Terms

Appendix 6: For More Information

**Disclaimer:** *Be advised that the information in this tool kit is intended to provide a general overview on the intersection of immigration and child welfare. It is not intended to be used as a self-help guide or to provide legal advice. It should not be used as a substitute for professional legal or child welfare advice that takes into account the specific circumstances of each family's situation. Immigration and child welfare policy and practice vary greatly in different jurisdictions, so it is important to always consult with your local experts.*

## About the U.S. Department of Homeland Security

Prior to September 11, 2001, immigration services were handled by one office — Immigration and Naturalization Services, commonly known as INS. After September 11th, INS was reorganized under the Department of Homeland Security. DHS has primary responsibility for administering and enforcing immigration laws and is divided into three branches:

- 1. U.S. Citizenship and Immigration Services:** USCIS is responsible for processing and making decisions on all applications for immigration benefits, including applications for Special Immigrant Juvenile Status, asylum, lawful permanent residency and citizenship. It has the power to initiate removal proceedings or refer the case to Immigration and Customs Enforcement (ICE), where appropriate, when it denies an application benefit (e.g. request for asylum).
- 2. U.S. Customs and Border Protection:** CBP is responsible for inspecting visitors and cargo at ports of entry and securing U.S. land, sea and air (airport) borders. CBP concentrates on immigration violations at ports of entry and borders, while ICE concentrates on violations of immigration laws in the interior of the U.S.
- 3. U.S. Immigration and Customs Enforcement:** ICE is responsible for enforcement of U.S. immigration laws and concentrates the majority of its resources on “interior” enforcement (not at the border). ICE’s primary function is apprehension of noncitizens and the initiation of removal proceedings against them. ICE also carries out the removal of noncitizens. ICE attorneys represent the U.S. government in removal (deportation) proceedings.

While immigration courts oversee judicial decisions regarding the immigration process, USCIS oversees the paper process (i.e., applications). CBP is charged with border entry issues and ICE is the interior enforcement arm of the Department of Homeland Security. For the child welfare system, the most relevant contact agencies are USCIS and ICE. USCIS handles the Special Immigrant Juvenile Status (SIJS) applications and other relevant options, so it is important for child welfare agencies to develop professional relationships with their local USCIS agency staff. ICE is an increasingly relevant agency to child welfare agencies as the intersection between immigration enforcement and child welfare has increased in recent years. As deportation rates in the United States have reached an all-time high, many families have been torn apart by deportation. Parents facing deportation are often detained in isolated immigration detention centers, making it extremely difficult to ensure appropriate caretaking arrangements for children. This may bring the child to the attention of the child welfare system, and can lead to the termination of immigrant parents’ parental rights.

In 2012, the state of California enacted the nation’s first law addressing the reunification barriers faced by many immigrant families involved with the child welfare system through the Reuniting Immigrant Families Act. The law clarifies that maintaining children’s ties to their families remains the priority despite barriers imposed by immigration status, including immigration detention and deportation. In particular, the law provides important protections to immigrant parents and children in the child welfare system by ensuring that reasonable efforts are provided to reunify a family after the court and child welfare agency consider the particular barriers a detained or deported parent faces in accessing services and maintaining contact with the child. Further, it authorizes juvenile courts to provide time extensions to the period of family reunification services when immigration issues are present, clarifies that immigration status alone cannot be used to disqualify a parent or relative as a caregiver, encourages social workers to screen immigrant children for immigration legal options including Special Immigrant Juvenile Status, and encourages child welfare agencies to establish Memoranda of Understanding (MOUs) with appropriate foreign consulates. For more information about this law go to: <http://www.ilrc.org/resources/the-reuniting-immigrant-families-act-sb-1064>

In 2013, ICE also took steps to address the devastating effects of immigration enforcement against parents and legal guardians by issuing the ICE Parental Interests Directive. It directs that ICE’s enforcement activities should not unnecessarily disrupt parental rights, including, among other steps, through ICE exercising discretion not to detain parents or guardians when possible and to facilitate participation in family court or child welfare proceedings when parents or guardians are detained. For more information about this Directive go to: <http://www.ilrc.org/resources/applying-the-ice-parental-interests-directive-to-child-welfare-cases>

## Understanding Immigration Status

*Note: For a glossary of immigration terms, see Appendix 5.*

The term *immigration status* refers to a person's classification under U.S. immigration laws. This section outlines the basic classifications of immigration status. In many circumstances, a child will not know or may have wrong information about his or her immigration status. Many adults also do not know their immigration status or characterize their status incorrectly.

A person's immigration status will determine what immigration consequences he or she will face under the law, as well as what options, rights and privileges he is entitled to, such as whether he is subject to removal from the United States (i.e., deportation), and whether he is entitled to apply for citizenship or lawful immigration status. It also determines employment activities he can engage in while in the United States, or whether he can be employed at all, and what access he has to U.S. public programs, resources and benefits.

Discerning a youth's immigration status can be complicated and as such, should be undertaken by an immigration attorney or advocate. Nevertheless, those who work in the child welfare system should be aware of the basic classifications of immigration status.

### 1. U.S. Citizenship

U.S. citizenship, if validly acquired, may not be lost as a result of any violations of the law. Citizens can never be deported or refused entry to the United States.

#### 1a. Citizenship by Birth, Parents or Naturalization

A person can be granted citizenship in three primary ways: 1) birth in the United States, 2) birth to a U.S. citizen parent or parents, or 3) naturalization. Naturalization is the process whereby a person who has become a legal permanent resident (i.e., green card holder) applies to become a U.S. citizen. In most instances, a person must be a legal permanent resident for five years before he or she is eligible to apply for citizenship. A person must also meet certain requirements before citizenship is granted (e.g., pass a civics test, establish English proficiency, establish that he or she is a person of "good moral character"). Certain acts can bar a person from becoming a U.S. citizen. If a person does not acquire citizenship by birth in the United States or through his or her parents (discussed below), there is no way to obtain citizenship without first becoming a legal permanent resident.

#### 1b. Derived Citizenship

Many persons born in other countries may unknowingly inherit U.S. citizenship from their parents under one of several provisions of nationality law. A person *automatically* derives citizenship regardless of any violations (or other considerations) if the following four conditions are met:

- At least one parent is or becomes a U.S. citizen by birth or naturalization (the rules are more complex if the child was born out of wedlock);
- The child is under 18;
- The child is a legal permanent resident; and
- The child is in the legal and physical custody of the citizen parent at the time the parent becomes a U.S. citizen.

This provision of immigration law is not widely known; some people became U.S. citizens and are unaware of it. The best, most efficient way to obtain proof of derived citizenship is to apply for a U.S. passport. See <http://travel.state.gov/content/passports/english.html> for an application and information on how to do this.

#### 1c. Acquired Citizenship

A person born outside of the United States may "acquire" citizenship *at birth* because of the citizenship status of one or both of her parents. Determining whether a person automatically acquired citizenship at birth is quite complicated, but if a child has a U.S. citizen parent, a referral to an immigration expert should be made to explore this possibility.



## 2. Noncitizens or “Aliens”

A person who is not a U.S. citizen and falls within one of the categories listed below is a noncitizen. The immigration laws and authorities often refer to such persons as "aliens." A noncitizen is *always* subject to the possibility of deportation or removal regardless of his or her circumstances.

### 2a. Legal Permanent Resident or Green Card Holder

A legal permanent resident (LPR) is not a U.S. citizen but is permitted to live and work permanently and legally in the United States.<sup>1</sup> It is the most secure immigration status, short of being a U.S. citizen. However, LPRs are still subject to removal at any time if they violate immigration laws (usually, by violating criminal laws). Legal permanent residents are given “green cards” which state “Permanent Resident” across the top (green cards are no longer actually green). LPR status does not expire, although the green card itself must be renewed every 10 years. LPR status can only be revoked by an immigration judge.

### 2b. Refugee or Asylee

Both refugees and asylees (persons granted asylum) have been granted safe haven in the United States because they have established that they would suffer or have suffered persecution in their country of origin. Refugees are accorded refugee status abroad by a U.S. consulate before relocating to the United States. Asylees come to the United States and request protection from persecution once they have arrived. The decision on which immigrant groups may receive classification of refugee status is usually a policy decision by the U.S. State Department. For example, sometimes these statuses are granted for immigrants from a country suffering a natural disaster or political persecution, but the status is generally time-limited and subject to change (e.g., Cuban and Vietnamese refugees, etc.). Nonetheless, anyone may apply for asylum in the United States and their application will be evaluated based on its particular facts.

Both refugees and asylees are entitled to apply for legal permanent resident status after they have been in the United States for one year as a refugee or asylee. While in refugee or asylee status, these persons are given work permits that state “Employment Authorization” across the top and are approximately the size of a driver’s license. Despite the fact that they have established persecution (or threat of it) in their home countries, refugees and asylees are like any other noncitizens in that they are always subject to removal or deportation if they violate immigration laws.

### 2c. Nonimmigrant Visa Holder

A nonimmigrant visa holder is a person who obtained a temporary visa allowing him or her to enter and remain in the United States legally for a specific period of time under specific conditions. Some examples of nonimmigrant visas are tourist, student, temporary work (e.g., H1-B) and diplomatic visas. Likewise, nonimmigrant visa holders are subject to the same child abuse and neglect laws as U.S. citizens and residents. Nonimmigrant visa holders who violate the terms of their visa (e.g., students who drop out of school or tourists who stay longer than permitted) become “undocumented,” meaning they no longer have lawful status in the United States and are subject to apprehension by immigration authorities and removal from the country.

## 3. Undocumented Person (a.k.a. “Illegal Alien”)

An undocumented person is someone who does not have legal status under the immigration laws to be in the United States. There are two categories of undocumented persons:

1. A nonimmigrant visa holder (described above) whose visa has expired or been terminated (e.g., a foreign student who drops out of school or a tourist who overstays a visa); and
2. A person who entered the United States illegally (i.e., crossed the border) and has never had lawful immigration status.

---

<sup>1</sup> There are two types of permanent residents: legal permanent residents (LPRs) and conditional permanent residents (CPRs). A conditional permanent resident is a legal permanent resident who gains status through marriage to a U.S. citizen where the marriage is less than 24 months at the time of adjudication of the application for residence. CPR status expires after two years and an additional petition must be filed to become a legal permanent resident.

Just because a person is undocumented, however, does not mean that he or she will be removed. Many undocumented people are eligible to apply for legal immigration status through one of the avenues available under the immigration laws, such as someone who is undocumented but has married a U.S. citizen. An important note is that marriage to a U.S. citizen does not automatically confer any lawful status on someone. It simply entitles a person to apply for legal permanent resident status. This is a complex process involving numerous applications wherein the noncitizen must prove various things. Various violations under immigration law can foreclose options for obtaining legal immigration status. Undocumented persons are always at risk of apprehension, detention and initiation of removal proceedings by immigration authorities.

Also, some persons are granted permission to stay in the United States even though they have no legal status and are undocumented (e.g., through the Deferred Action for Childhood Arrivals (“DACA”) program, created by Presidential directive).

A DACA Recipient is an undocumented person residing in the United States who receives Deferred Action for Childhood Arrivals and is thereby temporarily protected from deportation for a period of two years and is eligible to receive a work permit and social security number. A person with DACA does *not* have lawful immigration status, but they are nonetheless not considered to be unlawfully present in the United States during the period of deferred action. Like other noncitizens, individuals with DACA can still be deported if they violate laws or otherwise are determined to no longer deserve this discretionary status.<sup>2</sup>

## **Persons in the Process of Obtaining Legal Status**

A person in the process of obtaining legal status is someone who has an application for a visa or green card pending, meaning that immigration authorities are aware of their presence in the United States, but any removal (deportation) proceedings are deferred pending the outcome of the application.

Depending on the type of application, a person with a pending application for an immigration benefit may be eligible to apply for an employment authorization document (EAD), also called a work permit, to work lawfully for a specified period of time while the application is pending.

## **Work Permits or Employment Authorization Documents**

Immigration authorities issue work permits or employment authorization documents of temporary duration to certain categories of noncitizens. Work permits do not confer legal status. The permit allows the person to work lawfully for the duration specified. Some examples of noncitizen categories for which work permits are issued include: 1) persons who are married to U.S. citizens and in the process of applying for their green cards based upon their marriage; 2) persons in the process of applying for, or who have been granted, asylum or refugee status; 3) persons who come from countries which the United States has granted “temporary protected status” (e.g., persons from Honduras following Hurricane Mitch); 4) persons with certain types of visas, such as U visas and T visas; 5) persons with a pending application for a green card (e.g. persons with SIJS); and 6) persons who have received Deferred Action for Childhood Arrivals.<sup>3</sup>

## **About the Migration Experience**

Every immigrant has a unique story. Many of these tales include overcoming tremendous obstacles in order to establish

---

<sup>2</sup> President Obama announced changes to how the federal government would enforce the immigration laws on November 20, 2014, including an expansion of the DACA program and the creation of a new program called Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). The DACA expansion was intended to begin by February 18, 2015. However, due to a lawsuit, at the time of writing, this program has not been implemented. If the expansion goes into effect, it will remove the upper “age cap,” meaning applicants will no longer need to have been 30 years of age or younger as of June 15, 2012, move the deadline for when a person must have been in the United States up to January 1, 2010, and provide relief from removal and work authorization for three years (rather than two). DAPA is a form of prosecutorial discretion that provides a work permit and relief from removal for three years to certain eligible undocumented people who have U.S. Citizen or Lawful Permanent Resident children born on or before November 20, 2014 and who meet the other eligibility requirements. DAPA is a new program that was originally set to begin in May 2015. However, at the time of writing, the DAPA program is temporarily on hold due to a lawsuit. Please check [www.ilrc.org](http://www.ilrc.org) for up-to-date information on the status of the lawsuit that has temporarily blocked both the expansion of DACA and the implementation of DAPA. Note that like DACA, DAPA is not an immigration status, nor does it lead to U.S. citizenship.

<sup>3</sup> If the DAPA program is implemented, it will also provide work authorization to qualifying individuals for a three-year period.

themselves in the United States. Once finally here, interaction with the public child welfare system and “the authorities” will create a high level of anxiety, especially if the immigrant perceives that his or her stay in the U.S will be jeopardized. This is particularly true in light of the record number of deportations nationally in the last few years resulting from collaboration between federal immigration authorities and local authorities. To provide relevant child welfare services to immigrant families, social workers need to be aware of this reality.

Many immigrant families are “mixed-immigration status” families (e.g., younger children are U.S.-born citizens, older children are undocumented and one or both parents are undocumented). While most immigrant children who enter the child welfare system, particularly young children, may be U.S. citizens, there may be others living in the household, including the parent(s), with undocumented immigrant status. Awareness of the immigration status of all the individuals within a family (e.g., parents, grandparents, siblings, extended relatives) is an important function of culturally competent child welfare practice. A critical prerequisite in the assessment is building trust with the family so they understand that obtaining the actual immigration facts is necessary for the assessment and service plan. It is important to emphasize that the information will be used within the construct of the child welfare agency’s confidentiality guidelines, which govern when information may and may not be shared and with whom. Of particular importance is to clarify whether information may or may not be shared with local law enforcement as information at the hands of local law enforcement may and often is shared with federal immigration authorities and may lead to deportation. (See page 6, Confidentiality and Mandated Partnership.)

Key immigration considerations that affect family dynamics and case planning include:

- Who in the family was born in the United States?
- Who are the naturalized U.S. citizens or American nationals?
- Who are the legal permanent residents?
- Who are the undocumented members of the household?
- Who are the identified extended families (here and abroad)?
- Who are the nonrelative, extended families and what is their legal status?

Understanding the migration history for these children and families is important for public child welfare staff for many reasons, including:

- Some immigration status is time-limited and temporary, such as a student or tourist visa. Others are more permanent, such as legal permanent residents, parolees and asylees, subject to the condition of the entrance requirements and conduct of the immigrant during his or her tenure in the United States.
- The child or family may be legally present in the United States and may have lost or otherwise become separated from important documents such as green cards or an asylum-granting letter. A child may have been born in a foreign country and have one or more parents who are U.S. citizens, and thus may have acquired citizenship without knowing it.
- There is possible flight risk of the family or family members who may have immigration status issues.
- Some immigrant children may come through temporary (e.g., visitor) visas, overstay their visas and become undocumented. Or they may have come illegally through the border. These children may be staying with relatives or nonrelatives.
- An increasing number of immigrant children may be “trafficked” illegally through the border for labor or the sex trade.
- An undocumented parent of a U.S. citizen or noncitizen child may be in removal (deportation) proceedings and may even be detained by immigration authorities, compromising his or her ability to participate in reunification services.

Social workers need to assess a family’s migration history in order to determine the level of risk associated with keeping

the child with the family. The migration experience should also be taken into consideration when determining the additional placement options and eligibility for benefits and relief options as part of the overall case assessment.

Immigrant children and families enter the child welfare system with a variety of immigration statuses and their status will impact the different components of the case plans (e.g., child abuse referral, family maintenance, family reunification, permanency). When a child abuse referral is evaluated, a social worker must make an assessment based on a variety of safety and risk factors including how cooperative the family appears to be. This assessment will determine the next level of response, whether it is family reunification, family maintenance, informal supervision or something else. If a family appears to be uncooperative, it may be due to fear of discovery regarding their undocumented immigration status. Understanding how immigration status may affect family dynamics will assist the social worker in making an appropriate determination for the disposition of the case.

Immigrants who are refugees or asylees have special protections and are eligible for services that are not available to other types of immigrants, such as cash, housing and medical assistance upon arrival for up to eight months. When a refugee or asylee enters the child welfare system, his or her special immigration status needs to be documented and then integrated with local protocols for sponsoring agencies and relevant support systems (e.g., Catholic Charities and Lutheran Immigration and Refugee Services, among other sponsoring agencies). A sponsoring agency has a unique and special relationship to the refugee or asylee that undocumented immigrants do not have. Immigrants who are victims of trafficking may also be eligible for many of these special benefits. It is important to document such status and ensure a child is receiving the services for which he or she is eligible.

In a U.S. climate that has become increasingly hostile to immigrants and where deportation fears prevent families from seeking services, it is important that the role of the public child welfare agency is clearly explained to immigrant families. Currently, no federal law requires state and local officials to affirmatively enforce federal immigration laws. Therefore, state and local officials have no duty under federal law to report noncitizens. However, state, county or local policies may require officials to report suspected noncitizens. It is important that social workers become familiar with these policies and laws. In many states, however, enforcement of immigration laws against children and families in the child welfare system may violate provisions of state law and subject counties to liability. For example, most states have laws strictly limiting the release of information pertaining to minors because confidentiality has always been of paramount importance, out of concern for the well-being of minors.

## **Confidentiality and Mandated Partnerships**

In working with immigrant families, it is critical to underscore the agency's commitment to resolving the immediate issues of protecting children from abuse and neglect. This mandate includes a certain confidentiality provision that is designed to promote and protect the working relationship and the child's right to privacy. If the case were filed upon, issues of immigration status as it pertains to the case plan may need to be shared with the juvenile court system. For example, a child who is the dependent of the juvenile court based on sexual abuse has the right to have this information remain confidential. In the event this information needs to be shared with an immigration agency, such as USCIS, relating to certain immigration relief application options, it must be reviewed with the juvenile court system to determine what can and cannot be disclosed to the immigration agency.

Unintentional consequences and issues may occur when a case is cross-reported to law enforcement, such as in the matter of a joint investigation with law enforcement or when there is a background check for potential placements. Confidentiality guidelines may differ between law enforcement, child welfare and other agencies such as public health. While the child welfare agency may be addressing issues before the juvenile court, law enforcement may be cross-reporting to immigration officials, resulting in conflicted outcomes regarding the initial child abuse investigation. Some of these issues between these public agencies may not always be fully reconciled; however, the child welfare worker should know which of their local community agencies to refer a client to in the event an immigration issue emerges in the course of the child abuse investigation. This also may be an area where local procedures and protocols may need to be entered into between the juvenile court system and local law enforcement.

*Note: Practice and protocols vary from state to state, and social workers should check with their agency's legal counsel for clarification about their agency's internal confidentiality guidelines. In general, the best practice to preserve confidentiality is to disclose the least amount of information necessary to support the immigration application. This can often be accomplished by working closely with an immigration advocate or legal counsel.*



## The Child Welfare Decision-Making Process

*Note: See Appendix 6 for more resources on team decision making and family group decision making with immigrant families.*

The essence of good child welfare service lies in the ability to make balanced decisions that take into consideration the need for child safety, the benefit of keeping families together and the importance of including the voices of family members and their support system at child welfare decision-making points. Team decision making (TDM) and family group decision making (FGDM) are two commonly used methods in child protection and child welfare that are particularly relevant to good problem solving when there are overlaps of immigration issues affecting child welfare decisions. The following two case examples illustrate how TDM and FGDM can be helpful in immigrant cases.

- A social worker is trying to place a child with an aunt or uncle. The uncle's brother lives with the family and is undocumented. In the process of doing a license clearance, the uncle's brother is found to be undocumented and is in immigration removal proceedings. Had there been a TDM or FGDM conducted prior to placement, this issue may have been identified and evaluated to the benefit of all parties concerned.
- An undocumented teenager's placement has failed. The social worker must look for another placement. In assessing additional placement options, the prospective new foster parent or relative placement requests from the social worker the agency's plan for resolving the teenager's immigration status. The youth's permanency and placement plan is jeopardized unless there is resolution to his or her immigration status.

*Note: Lack of immigration status should not be the sole basis for not placing a child with a family member. In California, the Reuniting Immigrant Families Act clarifies that the immigration status alone of a parent or relative cannot be a barrier to placement of the child with that person. For other provisions of the law see discussion above and go to: <http://www.ilrc.org/resources/the-reuniting-immigrant-families-act-sb-1064>.*

## Assessment for Immigration Relief Options

*Note: Please see Appendix 3 – Screening Questions for Immigrant Youth: Determining Potential Avenues for Legal Status and Appendix 4 – Summary of Immigration Relief Options Applicable to Youth in Dependency Proceedings.*

Some immigrant children who have contact with the child welfare system are undocumented, without any lawful immigration status or papers. An undocumented youth will find it very hard to successfully transition to adulthood, because he or she cannot work legally, may not be able to pursue higher education due to inability to access federal and other financial aid, and will have difficulties navigating daily life due to the inability to possess basic documentation like a Social Security card, or, in some states, a driver's license or bank account. Worst of all is the constant fear that he or she could be deported to his or her country of origin if discovered by immigration authorities.

There are special immigration relief options available to assist undocumented children who have been abused or neglected to get lawful immigration status. Social workers may be the first and only persons an eligible immigrant child sees who are able to identify the issues and get help. If an immigration relief option is not identified early on, the child may forever lose the chance of obtaining legal immigration status in the United States.

It is, therefore, critical that social workers screen children and if possible, families for potential immigration relief. The screening necessary to determine eligibility for any of these various forms of immigration status, let alone the actual application process, is generally not recommended without assistance from a competent immigration advocate or attorney. However, flagging these issues for children and families will encourage them to follow up and pursue potential legal options. Furthermore, basic familiarity with these avenues, as outlined in the following section, provides awareness that can enhance the capacity of the child welfare system to develop leadership and policies that can more effectively meet the needs of noncitizen youth.

The most effective way to ensure that noncitizen youth and families are screened for eligibility for any of the avenues outlined below is to build partnerships with local immigrant advocacy organizations that can assist the youth and families and ensure that the dependency attorney is addressing the youth's and family's immigration issues (and has the training and resources to do so). County agencies with expertise or with the assistance of a local community-based agency or

attorney can also screen and file these applications themselves. It is crucial to identify the child as soon as possible. Securing vital documents and beginning the process early are often big factors in a successful immigration relief application.

*Note: As a best practice, workers should consider not only the relief options available directly to children, but also the relief available to parents, since children can derive certain forms of status from their parents and legal status for the parents can provide greater stability for children.*

## Tips

- It is important to gather the full names of all members of the family, including correct spelling and accents. Many Latino families have common last names and require the full middle names and surnames to do an accurate relative search. It is also common for Latino families to have two last names (one paternal and one maternal), both of which are necessary to do an accurate relative search.
- Social workers should never assume a child's or family's immigration status without thorough assessment. How well someone speaks English, for example, is not reflective of his or her immigration status. A child who has been living in the United States since he or she was young may speak perfect English and be undocumented, while an elderly person without any English skills may be a legal permanent resident.
- In cases involving domestic violence, often the individual with the green card or legal status will use his or her sponsorship of the nonlegal resident as a "power dynamic" against the victim. For that and other reasons, victims do not always readily admit (or even recognize) their victimization.
- Take language barriers into account. The language in which the child welfare decision-making process (e.g., TDM or FGDM) is held can be significant. For example, if the family speaks Spanish and the TDM is held in English with a Spanish-speaking interpreter, it is important to consider what is implied based on the language used. It is also important to understand the language needs of the whole family, not just of the parents (e.g., the child, relatives, etc.).
- Many public child welfare agencies have developed protocols and guidelines to assist their staff in working with immigrant families. See <http://cimmcw.org/resources/policy/emerging-policies-series/> for policies by state and <http://cimmcw.org/state-specific-resources/> for examples.
- One issue with using interpreters in child welfare cases is that although they may be able to translate the language, they may not understand child welfare concepts. Access issues for non-English speakers go beyond language, and include the culture, values and faith of the immigrant community, as well as understanding events and experiences that may have an impact on the family's mental, physical and emotional state. Community-based agencies could be engaged to help support immigrant families during the child welfare process.
- For counties that normally do not deal with immigration issues and have not developed protocols for working with immigrant families, there are national clearinghouses to assist in finding competent advice regarding immigration legal issues (see *Appendix 6 — For More Information*).

---

## VITAL DOCUMENTS FOR IMMIGRANT CHILDREN IN THE CHILD WELFARE SYSTEM

---

When an immigrant child becomes involved with the child welfare system, his or her consulate should be notified unless the child has a fear of persecution in the home country. The consulate often is able to help with vital document searches, home studies, parent locators, criminal record clearance and other related services.

### To Obtain an Original Birth Certificate:

- Request in writing (or in person for the Mexican government) a birth certificate from the consulate or embassy of the child's country of origin. Include as much detailed information about the child's birth as possible, such as date of birth, names of parents and place of birth, including province, town and name of hospital. When applicable, send fees payable to the consulate or embassy of the child's country of origin for the birth certificate or the identification card. Notably, the Mexican government announced in January 2015 that the 50 Mexican consulates across the U.S. will be able to access a digital archive of birth records from most parts of Mexico and print a copy of the certificate on the spot for individuals requesting them. Previously, individuals could only obtain birth certificates from offices in Mexico.
- In some states, such as California, if a birth certificate cannot be obtained for an unaccompanied child, the child's immigration attorney can request a certificate referred to as a "delayed registration of birth document" from the state, which is used in lieu of a birth certificate. The process involves a relative taking an affidavit verifying the date and location of birth. A baptism certificate can also be used in some circumstances.
- International Social Service USA Branch (ISS-USA) is a nonsectarian, nonprofit international social work agency. It is composed of an international network of more than 150 national branches, affiliated bureaus and correspondents, with its general secretariat in Geneva. ISS-USA has the federal contract with the U.S. State Department to provide repatriation services for American citizens. The organization is available to assist family courts by responding to requests made by judges, lawyers, guardians ad litem and child welfare agencies (see [www.iss-usa.org](http://www.iss-usa.org)).
- The Centers for Disease Control and Prevention (CDC) has a state-by-state guide for obtaining birth certificates, including who can request them, how to request them and contact information (see <http://www.cdc.gov/nchs/w2w.htm>).

### To Obtain a Passport:

- To obtain a passport, a request must be submitted in person and all of the following documents must be presented at the time of the appointment:
  - A letter from the child welfare staff requesting a passport;
  - An original birth certificate;
  - A school identification card or an identification card from the country of origin or one issued by the consulate;
  - A court order or findings that support dependency;
  - The appropriate fees to pay for the passport (contact the consulate for the specific amount and type of payment accepted); and
  - If the child has no form of identification, the child welfare staff must write a letter providing information about the child, with a photo attached to the letter.
- Country-specific U.S. embassy information in countries other than the U.S. is available on the U.S. Department of State's websites of the U.S. embassies, consulates and diplomatic missions, at [www.usembassy.gov](http://www.usembassy.gov).

- Please note that care and sensitivity should be taken prior to contacting a consulate or embassy due to the potential impact this inquiry may have upon the client and his or her family system, who may still reside in the country of origin. For example, when applying for asylum, individuals should be very careful about contacting their consulate because an asylum request is based on an allegation of either government-perpetrated persecution, or persecution that the government was unwilling or unable to protect against, so there may be government retaliation upon learning of the asylum petition. The best practice is to inform the client of consenting age of any possible implications of contacting a consulate or embassy and get the client's permission prior to initiating contact.



---

## FIVE ACTION ITEMS TO FACILITATE COMMUNICATION BETWEEN THE CHILD WELFARE SYSTEM AND IMMIGRATION LEGAL COUNSEL

---

*By Ken Borelli, MSW/ACSW, immigration and child welfare consultant, the Annie E. Casey Foundation's Family to Family Initiative and BRYCS/U.S. Conference of Catholic Bishops (January 2009), updated February 2015.*

This document was written to assist front-line child welfare staff, such as the attorney of record, guardian ad litem and social worker in working with immigration legal counsel, who may not understand the dependency system. It is important that there is coordination and clear understanding between all parties involved in the case so that mishaps, such as double or inappropriate filings, do not occur. What is the petition against the parent? What is the case plan? Before any petition is filed with immigration officials, all parties need to understand their roles and how they relate to the child welfare/juvenile court case. This includes:

1. Knowing the referring agency or party, and understanding their relationship to your client within the context of the child welfare/juvenile court process. Is it a parent? Is it a friend? Is it a social worker? Who is making the referral?
2. Learning about the specifics of the child welfare case and service plan for the child immigrant victim, siblings and parents, including key juvenile court review dates and proceedings.<sup>4</sup>
3. Actively participating in any joint immigration planning processes that may affect the child welfare case or service plan, especially as it relates to placement, family maintenance, family reunification or independent living for emancipated minors. For example, Special Immigrant Juvenile Status (SIJS) is only available for those children for whom reunification with at least one parent has failed.
4. Making sure that both the attorney of record for the client within the juvenile court proceedings and the immigration counsel are aware of any relevant court orders and/or warrants. Some common types of warrants are failure to pay child support and restraining orders.
5. Coordinating with the child welfare case manager (usually the caseworker) in the development of a case-specific immigration safety plan, emergency options and securing vital documents and resources that are needed to support the immigration relief petition. Some examples of vital documents that may need to be secured include birth, death, divorce and baptismal certificates.

---

<sup>4</sup> Children and families in the child welfare system generally have a case and/or service plan that is specific to the needs of the family. The plan is based on child welfare mandates and/or reviews, and sometimes findings and orders by the dependency and/or juvenile court. The case and service plans can be the same, or in some agencies, the case plan is a more global desired outcome with separate service plans for each family member or part of the case. For example, a child's immigration issue might emerge as an action item within the overall goal of "independent living." The case-specific service plan would be to apply for SIJS. The global case plan is to work with other family members for a "long-term placement."

## SCREENING QUESTIONS FOR IMMIGRANT YOUTH: DETERMINING POTENTIAL AVENUES FOR LEGAL STATUS

By Angie Junck, immigration attorney, Immigrant Legal Resource Center, [www.ilrc.org](http://www.ilrc.org) (February 2015)

1. Is the child a U.S. citizen without knowing it?
  - A. Anyone born in the U.S. or Puerto Rico is a citizen, and anyone born in Guam, American Samoa or Swains Island is a national who cannot be deported.
  - B. 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 18<sup>th</sup> 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. (Tip: Encourage the parent to become a naturalized U.S. citizen!)
2. Is the child currently under the jurisdiction of a dependency, delinquency, family or guardianship court, or any other state court with jurisdiction to make decisions about the care and custody of minors? Has the court ruled (or could rule) that the child (a) *cannot be reunified with one or both parents* because of abuse, neglect or abandonment or a similar basis under state law and (b) that it would not be in the child's best interest to be returned to the home country? The child may qualify for **Special Immigrant Juvenile Status (SIJS)**.
  - **Important:** If possible, the child should stay under the jurisdiction of the court until the entire SIJS application is decided, so watch out for youth aging out of the system. If this is not possible, the court should explicitly state that termination of jurisdiction is being done based on age.
  - NOTE: The law governing SIJS was changed significantly in 2008. Prior to 2008, it required an applicant to have been deemed "eligible for long-term foster care" by the court, which in turn was interpreted to mean that family reunification was no longer a viable option. Under the current law, *the child need not be in actual state foster care to be SIJS-eligible*, and could in fact be residing with one parent. Because the current statute only requires that reunification not be viable with *one or both* parents, the juvenile court can make the SIJS findings as soon as the court deems reunification not viable with ONE of the parents, even if the other parent is still receiving reunification services. This change in law means that many more children in the child welfare system are potentially eligible for SIJS.
3. Has the child been abused by a *U.S. citizen or permanent resident* spouse or parent, including adoptive parent, natural parent or stepparent? Has the child's parent been a victim of domestic violence by his or her U.S. citizen or permanent resident spouse? The child 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 other parent.
  - The child will need to show "good moral character." Violent crimes will be a negative factor, but can be offset if there is a connection between the abuse and the bad conduct.
4. Has the child been a victim of a serious crime in the U.S. or of human trafficking or has the child's parent been such a victim? Is the child willing to cooperate with authorities to investigate or prosecute the offense? **The child may qualify for a T or U visa.**

5. Does the child have a *U.S. citizen or permanent resident parent or spouse* who is willing to petition for him or her? The child may qualify for a **family immigration petition**.
- To immigrate through an adoptive parent the adoption must be completed by the child's 16<sup>th</sup> birthday. These laws are complicated if the child is from a country that is a signatory to the Hague Convention. The basic requirements for an adoption under the Hague Convention are:
    - The child must be under 16 when the visa petition is filed;
    - The child is a habitual resident of a Convention country (defined as the adoptee's country of citizenship unless the country of origin determines that the child is now habitually resident in the United States);
    - The child has no parents or both parents are unable to provide proper care, or the sole or surviving parent or guardian is unable to provide care; and
    - All parents or guardians give written irrevocable consent to termination of legal relationship to the child, and emigration and adoption.
6. Does the child come from a country that has recently experienced *civil war or natural disaster*? Does the child fear return to his or her home country because of *persecution*? The child may qualify for other forms of relief such as **temporary protective status and asylum**.
7. Did the child come to the U.S. before reaching the age of 16 and before June 15, 2007? Was she age 30 or younger as of June 15, 2012? Investigate **Deferred Action for Childhood Arrivals (DACA)**.
- Juvenile delinquency adjudications do not automatically bar an individual from qualifying, however, they can and will be considered as a matter of discretion.
  - President Obama announced an expansion to DACA on November 20, 2014, intended to be implemented by February 18, 2015. However, due to a lawsuit, at the time of publication of this Toolkit, this program has not been implemented. If the expansion goes into effect, it will remove the upper "age cap," meaning applicants will no longer need to have been 30 years of age or younger as of June 15, 2012, and move the deadline for when a person must have been in the U.S. up to January 1, 2010.
8. Does the youth have a U.S. citizen or lawful permanent resident child born on or before November 20, 2014, and have they resided in the U.S. since January 1, 2010? The youth may qualify for **Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) once the program begins**.
- The DAPA program was created through President Obama's November 20, 2014 Executive Action on Immigration and was originally set to begin no later than May 2015. However, due to a lawsuit, at the time of publication of this Toolkit, the DAPA program is on hold. Be sure to check [www.ilrc.org](http://www.ilrc.org) for up-to-date information on the DAPA program.

## SUMMARY OF IMMIGRATION RELIEF OPTIONS APPLICABLE TO YOUTH IN DEPENDENCY PROCEEDINGS <sup>5</sup>

By Angie Junck, immigration attorney, Immigrant Legal Resource Center, [www.ilrc.org](http://www.ilrc.org), and Ann Benson, director, Washington Defender Association's Immigration Project (February 2015)

### 1. U.S. Citizenship — Is the Youth Already Unknowingly a U.S. Citizen, or Could He or She Become a Citizen if a Parent Naturalized?

Some people who were born outside the U.S. automatically inherited U.S. citizenship at birth from their U.S. citizen parents, often without knowing it. If at the time of a person's birth, his or her parent or even grandparent was a U.S. citizen, the person may have inherited citizenship and should obtain immigration counsel to analyze the laws governing "acquisition of citizenship."

A second way that many persons are citizens without knowing it is through "derivation of citizenship." A child automatically becomes a U.S. citizen if, before he or she reaches the age of 18, the following three events happen in any order: (1) he or she is a permanent resident, (2) at least one of his or her parents becomes a U.S. citizen, and (3) he or she lives in the U.S. in that parent's legal and physical custody.

*If a child is a permanent resident, encourage a parent who has custody to naturalize and become a U.S. citizen. If this occurs before the child's 18<sup>th</sup> birthday, the child will become a U.S. citizen automatically, without having to meet any other requirement and will be protected against the immigration consequences of any adult convictions that he or she may receive in the future.*

### 2. SIJS and VAWA Relief — Was the Youth a Victim of Family Violence or Abuse?

Children are eligible for permanent residency through **Special Immigrant Juvenile Status (SIJS)** if they are under the jurisdiction of a juvenile court (including a dependency, delinquency, guardianship or family court) and the court has made a finding that it cannot reunite the child with one or both parents due to abuse, neglect or abandonment and that it is not in the best interests of the child to return to the home country or country of last residence. The court might place the child in a foster home, foster care group home, or other rehabilitative setting, or the child may be residing with the non-offending parent. It is not necessary for the court to formally terminate the parents' rights. The immigration status of the parents is irrelevant. The SIJS application must be adjudicated *while the child remains under juvenile court jurisdiction* unless termination of jurisdiction is due to age, so it is imperative that social workers, dependency attorneys and immigration advocates screen children for possible eligibility for relief early in the process. The juvenile court judge will have to sign an order making the required findings. One tactic, when needed, is to encourage dependency until age 21 in states that allow this option.

To go through the SIJS application process, a minor needs to submit two different applications — an initial SIJS application followed by an application for adjustment of status (the process to become a legal permanent resident, i.e., green card holder).

The benefits of SIJS are:

- SIJS may be the only means for a minor to ever obtain legal permanent resident status, which will ultimately get the minor on the path to becoming a U.S. citizen.

<sup>5</sup> Immigrant Legal Resource Center has free handouts on the forms of immigration relief for children on their website. The Benchbook on Immigration Law for Family, Dependency and Delinquency Courts covers all forms of relief and immigration factors in these proceedings. Special Immigrant Juvenile Status is a comprehensive manual on how to identify and analyze a case and submit the application. Go to [www.ilrc.org](http://www.ilrc.org), click on the quick link "Remedies for Immigrant Children and Youth" and look under "Documents" and "Special Immigrant Juvenile Status." Materials on VAWA and the U visa are also available: Click on the quick links "VAWA" and "U Visas."



- Many of the grounds of inadmissibility and deportability (i.e., the bases for deporting or denying immigration benefits to noncitizens) are often waived for SIJS applicants, for example, the health-related grounds, the alien smuggling ground, and the ground barring people who have been prostitutes.
- Application for SIJS allows the minor to remain in the U.S. and be temporarily protected from deportation, until a determination to grant or deny the application is made.

Children who have applied for or been granted SIJS but who are not yet lawful permanent residents are no longer eligible for federal public benefits that were once available to individuals who are “permanently residing in the United States under color of law” (PRUCOL). Federal welfare legislation enacted in 1996 generally eliminated the PRUCOL category for federal benefits purposes. However, some states and localities continue to make benefits available to these children. If you have questions about public benefits eligibility, you can contact a resource center. The National Immigration Law Center (213-639-3900) has special expertise in this area. They also have resource materials available on their website at [www.nilc.org](http://www.nilc.org).

- The application for adjustment of status can be submitted simultaneously with the application for SIJS if the child is not already in removal (deportation) proceedings.
- Employment authorization can be requested as soon as the application for adjustment of status is filed. This will allow a minor to work until the application is adjudicated, obtain official picture identification and receive a Social Security number.

Some changes to the SIJS requirements went into effect on March 23, 2009 as a result of the passage of the Trafficking Victims Protection and Reauthorization Act (TVPRA) of 2008, H.R. 7311. This law made some important changes to certain SIJS requirements and procedures to expand protections for noncitizen children and youth. Under the TVPRA, the state court order needed to file for SIJS must include a finding that reunification with one or both parents is not viable due to abuse, neglect, or abandonment or a similar basis under state law and that it is not in the best interest of the child to return to his or her home country. A significant expansion is the “one or both” parents language. This language opened the way for children for whom reunification is not viable with only one parent to be eligible for SIJS. This means that, for example, a child who remains with, is reunified with, or is in the process of reunification services with one parent is eligible for SIJS so long as the court has determined that reunification is not viable with the other parent. A child no longer has to stay under the jurisdiction of the court until the entire immigration application is adjudicated if the termination of jurisdiction is due to age. No child can be denied SIJS as long as he or she was a child (under 21) when he or she applied.

A child is eligible for permanent residency under the immigration provisions of the **Violence Against Women Act (VAWA)** if he or she has been “battered or subject to extreme cruelty” (including purely emotional abuse) by a *U.S. citizen or permanent resident parent or stepparent*. The parent or stepparent must have the required immigration status, but there is no requirement that the child remain under juvenile court jurisdiction. Like SIJS, a child could live with the other parent (who might also be eligible for VAWA) and apply for VAWA based on abuse by a U.S. citizen or resident parent. VAWA is also available due to abuse by a citizen or permanent resident spouse as well as to a child of a parent who has been a victim of domestic violence by his or her U.S. citizen or permanent resident spouse.

Children who were victims of serious crime or human trafficking but do not come within the SIJS or VAWA provisions might qualify for the T and U visas (see next section).

- 3. T and U Visas — Was the Child a Victim of Human Trafficking or of a Serious Crime?** Often children charged in delinquency proceedings are themselves victims of serious crime. Child and adult victims of certain serious crimes who cooperate with authorities in investigating or prosecuting the crimes may be eligible for visas designed to protect victims and provide them with lawful status. A child could obtain a U or T Visa on his/her own or benefit from a parent who was a victim and obtains the visa. In the latter situation, the child will obtain benefits from the parent if he/she is included in the application. There is no requirement that the child remain under juvenile court jurisdiction to obtain either visa. The so-called “T” and “U” visas are temporary “nonimmigrant” visas, but the person can apply for permanent residency (a green card) after three years in T or U status.

The U visa is available to noncitizens who suffer substantial physical or mental abuse resulting from a wide range of criminal activity, including assault, domestic abuse, incest, etc. The applicant (or, if the applicant is under age 16, his or her parent, guardian or next friend) must possess information concerning the criminal activity and must have been

helpful, currently be helpful or be likely to be helpful in the investigation or prosecution of the criminal activity. In order to qualify for the U visa, a judge, prosecutor, investigator or similar official must sign a certification regarding this requirement.

The T visa is more specialized. It is available to victims of severe forms of trafficking in persons (i.e., human trafficking). This includes (a) trafficked persons who were forced or defrauded into performing sex acts, or while under the age of 18 were induced to perform such an act, and (b) trafficked persons who were coerced or defrauded into labor trafficking. The person must have complied with reasonable requests for assistance in investigation or prosecution of the offense (unless he or she is under the age of 18), and must show he or she has suffered extreme hardship. *Note: In both T and U visa relief action, be sensitive to the parent's or relative's situation in the home country. Assess the implications of any unintended issues related to harassment and unintentional consequences. For example, placement issues abroad may bring attempts of extortion or kidnapping.*

#### **4. Family Immigration — Does the Youth Have a Willing Citizen or Permanent Resident Spouse or Biological, Step- or Adoptive Parent?**

U.S. citizens and legal permanent residents can help certain family members immigrate to the U.S. (i.e., become permanent residents) by submitting a family visa petition for them. Children and spouses of citizens immigrate quickly, while children (unmarried) and spouses of permanent residents may have to wait for some years. To qualify as a stepchild, the marriage creating the step relationship must take place before age 18. To qualify as a natural child of a father, the father must acknowledge the child.

#### **5. Asylum and Temporary Protected Status — Does the Child Fear Return to the Home Country Based on Political, Economic or Other Factors?** People who fear returning to their home country because of an individualized fear of persecution can apply for **asylum or withholding of removal**. A child could apply for asylum on his/her own or benefit from a parent who obtains asylum. In the latter situation, the child will obtain benefits from the parent if he/she is included in the application, or if the parent applies for the child within 2 years after they receive asylum. A person may be eligible for asylum if they can demonstrate that they have a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion by the government or by those the government is unable or unwilling to control. For example, if a child was persecuted by gangs in her home country, she may be able to argue that she merits asylum protection in the U.S. A person who fears torture by the home government for any reason can apply for benefits under the **Convention Against Torture**.

Juveniles applying for asylum or withholding are entitled to specific protections and evidentiary rules under the government's *Guidelines for Children's Asylum Claims*.

The law requires applicants to apply for asylum within one year of entering the U.S., unless they were prevented from applying by extreme circumstances or conditions that affect their eligibility for asylum. Presumably, situations involving domestic violence can justify looking past that requirement. An exception to this general rule exists for children classified as Unaccompanied Alien Children (UACs) as of March 23, 2009.<sup>6</sup> The Trafficking Victims Protection and Reauthorization Act (TVPRA) of 2008 eliminated the one-year bar to applying for asylum for UACs. The one-year bar does not apply to withholding or Convention Against Torture.

People from certain countries that have experienced devastating natural disaster or civil strife may be eligible for **Temporary Protected Status**, which provides temporary permission to be in the U.S. and temporary work authorization. In recent years the U.S. has designated countries such as El Salvador, Guinea, Haiti, Honduras, Liberia, Nicaragua, Sierra Leone, Sudan, South Sudan, Somalia and Syria for TPS or similar relief. Applicants need not prove that they will be singled out for persecution. They need only prove that they are nationals of a country that currently is designated for TPS, and have been in the U.S. since a required date.

---

<sup>6</sup> The term "unaccompanied alien child" means a child who— (A) has no lawful immigration status in the United States; (B) has not attained 18 years of age; and (C) with respect to whom— (i) there is no parent or legal guardian in the United States; or (ii) no parent or legal guardian in the United States is available to provide care and physical custody. 6 U.S.C. § 279(g)(2). This definition can be somewhat misleading because even children who have parents in the U.S. may be classified as UACs if their parents are undocumented and fear coming forward to pick up their children from immigration officials, or are unable to pick up their children for some other reason (e.g. when a child is detained at the border and the parent lives in another state).

- 6. Cancellation of Removal for Permanent Residents — Is the Youth a Long-Term Permanent Resident?** Noncitizen youth who have lawful permanent residency and end up in removal proceedings may be eligible to be granted a **cancellation of removal (CoR)** by the immigration judge. To apply for CoR, the noncitizen must have been a permanent resident for at least five years and have resided in the U.S. for seven years since being admitted in any status. Every minor who is a permanent resident should also be screened for possible derivative citizenship. As described above, if one parent with custody of the minor is able to naturalize to U.S. citizenship before the minor's 18<sup>th</sup> birthday, the minor automatically becomes a U.S. citizen and will be free of concerns about immigration.
- 7. Cancellation of Removal for Nonpermanent Residents — Does an Undocumented Youth Have a Long History in the U.S. and Close Citizen or Permanent Resident Relatives?** Noncitizens who have lived in the U.S. illegally for 10 years or more and who are put into deportation or removal proceedings can apply to the immigration judge for **cancellation of removal (CoR)**, if they have a parent, spouse or child who is a U.S. citizen or permanent resident and this qualifying relative would suffer exceptional and extremely unusual hardship if the person were deported. If the immigration judge decides, as a matter of discretion, to cancel the removal, then the applicant will become a permanent resident. Cancellation is a highly discretionary relief, and consultation with an expert immigration practitioner is required.
- 8. Deferred Action for Childhood Arrivals (DACA) – Has an undocumented youth resided in the U.S. since the age of 16 and is he or she currently enrolled in school or has he or she graduated from high school or received a GED?** Undocumented youth who are at least 15 years old, under the age of 31 as of June 15, 2012, came to the United States before their 16<sup>th</sup> birthday, have continuously resided in the U.S. since June 15, 2007 up to the present time, were physically present in the U.S. on June 15, 2012 and at the time of filing for DACA, and are currently in school or have graduated or obtained a GED may be eligible for DACA. On November 20, 2014, President Obama announced that the DACA program would be expanded to eliminate the upper “age cap,” meaning applicants will no longer need to have been 30 years of age or younger as of June 15, 2012, and allow people to apply who have been in the United States since January 1, 2010 (rather than June 15, 2007). This expansion was intended to begin on February 18, 2015, however, at the time of this writing, it has not been implemented due to a lawsuit in which the judge temporarily blocked implementation of the expansion.
- 9. Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) – Does the undocumented youth have a U.S. citizen or lawful permanent resident child born on or before November 20, 2014?** On November 20, 2014, President Obama announced a new program that was intended to begin in approximately May 2015. However, at the time of this writing, the implementation of this program has been temporarily blocked by a lawsuit. If/when the program goes into effect, undocumented immigrants who are parents of U.S. citizens or lawful permanent residents born on or before November 20, 2014 who have been living in the United States since January 1, 2010 and who were physically present on November 20, 2014 and on the date they request DAPA may be eligible for DAPA.

---

## GLOSSARY OF IMMIGRATION TERMS

---

**Alien:** A term often used in government documents referring to a foreign national who is not a U.S. citizen.

**Arrival-Departure Card (also known as Form I-94, Arrival-Departure Record):** The Customs and Border Protection official at the port of entry gives foreign visitors (all non-U.S. citizens) an Arrival-Departure Record when they enter the U.S. Recorded on this card or electronically are the immigrant classification and the authorized period of stay in the U.S. This is either recorded as a date or the “entry of D/S” (meaning “duration of stay”). It is important to keep this card safe (if a physical card is given), with the passport, because it shows the length of time foreign visitors are permitted and authorized by the Department of Homeland Security to stay in the U.S.

**Asylee and Refugee:** A person fleeing his or her country of origin because of persecution based on his or her race, religion, nationality, membership in a particular social group, or political opinion who fears returning to his or her country of origin. People who have been granted asylee or refugee status are in the U.S. legally (i.e. with lawful immigration status), often can get services that are not available to other types of immigrants, and have the right to work in the U.S. without a separate employment authorization card. They are provided this designation by the Department of Homeland Security. Refugees receive their designated status *prior* to resettlement in the U.S., while asylees are granted their designation *after* their arrival in the U.S.

**Certificate of Naturalization:** A document issued by the Department of Homeland Security as proof that a person has become a U.S. citizen (naturalized) after immigration to the U.S.

**Department of Homeland Security (DHS):** The department of the federal government charged with, among other things, enforcing and administering our nation’s immigration laws, securing and managing our borders, and preventing terrorism.

**Deferred Action for Childhood Arrivals (DACA):** DACA is a form of prosecutorial discretion that provides a work permit and relief from removal for two years to certain eligible undocumented people who came to the U.S. when they were under the age of 16 and meet the other eligibility requirements. President Obama announced an expansion to the DACA program on November 20, 2014 that would provide work authorization and relief from removal for three years (rather than two) and expand the eligibility requirements by removing the upper “age cap” on DACA eligibility and moving up the date since which applicants must have resided in the U.S. However, at the time of writing this Toolkit, the DACA expansions are temporarily on hold due to a lawsuit. Please check [www.ilrc.org](http://www.ilrc.org) for up-to-date information on the status of the DACA expansion. Note that DACA is not an immigration status, nor does it lead to U.S. citizenship.

**Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA):** DAPA is a form of prosecutorial discretion that provides a work permit and relief from removal for three years to certain eligible undocumented people who have U.S. Citizen or Lawful Permanent Resident children born on or before November 20, 2014 and who meet the other eligibility requirements. DAPA is a new program that was originally set to begin in May 2015. However, at the time of writing this Toolkit, the DAPA program is temporarily on hold due to a lawsuit. Please check [www.ilrc.org](http://www.ilrc.org) for up-to-date information on the status of the DAPA program. DAPA is not an immigration status, nor does it lead to U.S. citizenship.

**Deportation (Immigration Removal):** The process whereby an immigration judge orders an immigrant removed from the U.S. If an immigrant is deported, he or she could be barred from returning to the U.S. for many years.

**Dual Citizenship:** The U.S. recognizes dual citizenship in some circumstances. For guidance on relative searches and placement, documentation searches, etc., contact the consulate general of the child’s home country when a child enters the child welfare system with dual citizenship.

**Dual Jurisdictional Status:** A general child welfare term to denote the population of children who may be in either the child welfare dependency system or the juvenile delinquency system. Many of these children transfer into each system,



depending on the circumstances and behavior of the child. These dual jurisdictional circumstances may impact an immigration matter. For example, the child welfare agency may be filing SIJS for a teen client and the client is arrested for a criminal activity such as drugs or theft and referred to juvenile delinquency. System coordination is crucial to ensure that the SIJS petition is followed up on. Note, care must be taken once there are criminal matters at issue since once brought up to immigration authorities, this may impact the outcome of the petition. Also, many pro bono immigration attorneys may be more hesitant or lack the expertise to accept these cases.

**Employment Authorization Document (EAD):** A work permit given by the immigration agency. An immigrant youth may be eligible for this card after applying for certain types of immigration relief such as Special Immigrant Juvenile Status. The card allows the immigrant to work in the U.S. legally until the expiration date.

**Family Group Decision Making (FGDM):** A process that recognizes the importance of involving family groups in decision making about children who need protection or care that can be initiated by child welfare agencies whenever a critical decision about a child is required. In FGDM processes, a trained coordinator who is independent of the case brings together the family group and the agency personnel to create and carry out a plan to safeguard children and other family members. FGDM processes position the family group to lead decision making, and the statutory authorities agree to support family group plans that adequately address agency concerns. FGDM processes actively seek the collaboration and leadership of family groups in crafting and implementing plans that support the safety, permanency and well-being of their children.

**First Generation Immigrant:** A person born in another country and who is the first person in his or her family to move to and reside in the U.S. or another host country. A **second-generation immigrant** is a person born in the U.S. who is the child of parents who are first-generation immigrants.

**Human Trafficking:** The recruitment, transportation, harboring or receipt of people for the purposes of slavery, forced labor (including bonded labor or debt bondage) and servitude, including sex trafficking.

**Immigration and Customs Enforcement (ICE):** The federal agency in the Department of Homeland Security that is responsible for internal enforcement of immigration laws. Increasingly, ICE enforces immigration laws through collaboration with local law enforcement (including the juvenile justice system), largely through a program called the Priority Enforcement Program (“PEP-Comm,” formerly known as Secure Communities or “S-Comm”). Through PEP-Comm, the FBI shares fingerprints with the Department of Homeland Security so that ICE can detect immigrants in local and state law enforcement custody and thereafter pursue their removal from the U.S. After detecting an immigrant, ICE may issue a request for notification regarding the date of release of the person or in special circumstances an ICE hold or detainer, which is a request by the federal government to a local agency with custody of an individual to hold him or her 48 hours (except weekends and federal holidays) after the person would otherwise be released under state law so that the federal government can assume custody and initiate removal proceedings. ICE holds will be issued less frequently due to court decisions challenging their constitutionality.

**Legal Permanent Resident (i.e., Green Card Holder):** A person who has legal documentation allowing him or her to live as a resident in the U.S. Legal permanent residents are still citizens in their home countries, but possess many of the same rights as a U.S. citizen. However, they cannot vote, and until gaining their U.S. citizen status, remain at risk of deportation if they violate federal immigration laws. One primary way that they may be deportable is due to certain criminal convictions. They may be required to fulfill specific residence obligations to retain their status. In some cases, permanent residency may be conditional, typically within the first two years of residence for noncitizens who have immigrated through a spouse within the first two years of marriage, or who have immigrated based on investment.

*NOTE: Selective Service is a compulsory registration for military service, which is required of all male residents aged 18-26, including U.S. citizens, legal permanent residents and undocumented males.*

**Mixed Status Family (or Blended-Status Family):** It is very common for immigrant households to have members with different levels of immigrant status, such as an undocumented parent(s) and older sibling(s) and younger children born in the U.S. with citizenship. The household may also include recently arrived relatives or visiting family members on a tourist or student visa.

**Naturalized U.S. Citizen:** Naturalization is the process through which an immigrant becomes a U.S. citizen. Generally, an immigrant must first be a legal permanent resident for five years before applying for naturalization, but some people are eligible after three years. The process includes an interview, which assesses good moral character and involves an English language exam and civics exam, which tests knowledge of history and government. Naturalized citizens possess the same rights and responsibilities as native-born citizens and cannot generally be deported. In some cases, legal permanent resident children can become citizens automatically if their parents naturalize before the children turn 18. They cannot apply for citizenship on their own until they attain 18 years of age. Legal permanent residents 18 years and older must demonstrate five years of “good moral character” before seeking to naturalize.

**Office of Refugee Resettlement (ORR):** Under the U.S. Department of Health and Human Services – Administration for Children & Families, one purpose of ORR is to provide assistance and support to refugees and asylees. The **Unaccompanied Refugee Minor (URM) Foster Care Program** is a program of ORR. ORR identifies refugee children as eligible for this program if they are eligible for resettlement in the U.S. but do not have a parent or relative available and committed to providing for their long-term care. The refugee children are placed within a network of foster care services and programs, administered by the U.S. Conference of Catholic Bishops and Lutheran Immigration and Refugee Service. These two lead agencies conduct several important functions, including identifying eligible children in need of URM services, providing technical assistance in the reclassification process, determining appropriate placements for children among their networks of affiliated agencies and conducting training and assistance on URM services. Reunification of these children with their parents or other appropriate adult relatives is encouraged through family tracing and coordination with local refugee resettlement agencies. Refugee children who enter the U.S. with family but experience a family breakdown may also be eligible to participate in the URM program.

ORR also provides for the care and placement of **Unaccompanied Alien Children (UACs)** apprehended by Department of Homeland Security immigration officials and transferred to the care and custody of ORR. ORR is charged with making and implementing placement decisions in the best interests of the child to ensure placement in the least restrictive setting possible while in federal custody. ORR’s goal is to release children to appropriate family members or other adults willing to serve as the child’s “sponsor,” who can care for the child’s physical and mental well-being and assure the child’s presence at their removal (deportation) proceedings in immigration court.

**PRUCOL (Permanently Residing Under Color of Law):** The U.S. Citizenship and Immigration Services (USCIS) does not recognize PRUCOL as an immigration status; this category was created by the courts and is a public benefits eligibility category. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 abolished the PRUCOL doctrine by creating a new statutory definition of “qualified alien.” While the PRUCOL expression remains in many federal, state and city statutes and regulations, there are now only a few exceptions clearly specified by statute. An alien who is not a “qualified alien” is not eligible for any federal public benefit.

**Public Charge:** A term used in immigration law that describes persons who cannot support themselves and who depend on benefits that provide cash (such as cash welfare or Social Security income) for their income. Noncash assistance such as Food Stamps will not cause someone to be classified as a public charge. Also, use of cash welfare by children or other family members will not affect the public charge ground for the parent unless those benefits are the family’s only income. The receipt of services through the child welfare system also would not be relevant in a public charge determination. Depending on a person’s immigration status, DHS or State Department consular officers abroad can refuse to let someone enter the U.S., re-enter the U.S. or become a legal permanent resident if they think he or she will not be able to support him- or herself without these benefits in the future. Public charge is not an issue for immigrants who are applying to become citizens, refugees or persons granted asylum, or persons granted SIJS.

**Qualified Alien:** This term is often used in reference to eligibility for certain public benefits available to immigrant clients. The term is not a separate immigration category; rather, it refers to immigrants in many categories who are not qualified for certain federal means-tested government benefits during the five years after they secure qualified immigrant status, but may be qualified for state or local government benefits.

**Refugee:** See Asylee and Refugee.

**Sanctuary City:** This is a term given to U.S. cities and some states that follow certain practices that protect undocumented immigrants, such as not allowing municipal funds or resources to be used to enforce federal immigration laws. These cities and states have adopted “sanctuary” ordinances banning city employees and police officers from asking people about their immigration status. The designation has no legal meaning.

**Special Immigrant Juvenile Status (SIJS):** A special immigration relief option for abused, abandoned or neglected children who are dependent on a juvenile court or placed in the custody of a state agency or department, or an individual or entity. A juvenile court is any state court that has jurisdiction to make decisions about the care and custody of a minor. The juvenile court must also make findings that reunification with one or both of the child’s parents is not viable due to abandonment, abuse, neglect or a similar basis under state law, and that it is not in the child’s best interest to return to his or her home country. For children in the dependency system, this special designation must be achieved prior to the child “aging out” of the foster care system (age 18 in most states and can be extended to 21 in certain states).

**T Visa:** A T visa may be available to a person who came to the U.S. as the victim of a severe form of human trafficking, or who was trafficked inside of the U.S. This could mean that the person was brought into the country and then forced to pay off a debt, work or perform sexual acts against his or her will. The applicant will need to help the police with the case against the trafficker in order to be eligible, unless they are under 18. A T visa is temporary, but can lead to permanent status.

**Undocumented Immigrant (i.e., Illegal Alien):** A person who comes to live in a host country without legal documentation. Undocumented immigrants may have entered the U.S. unlawfully or may have expired or revoked visitor or other types of visas. They do not have permission to work and are not eligible for most health and social services programs. They may be eligible to apply for lawful immigration status through special relief options, or become legal permanent residents through the sponsorship of a family member or employer. They may also be eligible for temporary protection from deportation and work authorization if they qualify for a form of deferred action, most commonly through the DACA or DAPA programs.

**U.S. Citizenship and Immigration Services (USCIS, formerly known as Immigration and Naturalization Services or INS):** USCIS is charged with processing immigrant visa petitions including SIJS and VAWA, naturalization petitions and asylum and refugee applications, as well as making adjudicative decisions performed at service centers, and managing all other immigration benefits functions (not immigration enforcement) performed by the former INS. There are many USCIS field offices located throughout the country where interviews are held for potential immigration options.

**U Visa:** A U visa may be an option for a victim of a serious crime in the U.S. It is intended to help overcome the victim’s fear of immigration detection and encourage reporting and other cooperation with investigation or prosecution of crimes. It is also designed to protect vulnerable victims and assist domestic violence victims and other crime survivors. The applicant must get a law enforcement certification and assist in the investigation and/or prosecution of the crime (or, if the applicant is under age 16, his or her parent, guardian or next friend can assist in the investigation and/or prosecution on his or her behalf).

**Violence Against Women Act (VAWA):** A collection of federal laws designed to protect abused immigrant spouses and children who are often afraid to seek police protection because abusers may use their legal status against them to coerce or threaten them, especially with deportation. VAWA allows the victim to “self-petition” separately from the U.S. citizen/legal permanent resident spouse.

**Visa:** A citizen of a foreign country wishing to enter the U.S. generally must first obtain a visa — either a nonresident visa for temporary stay, or an immigrant visa for permanent residence. Visa applicants will need to apply overseas, at the U.S. embassy or consulate, generally in their country of permanent residency. The type of visa needed is defined by immigration law and relates to the purpose of travel. There are other types of humanitarian visas, like the U Visa, T Visa, or Special Immigrant Juvenile visa, for which individuals can apply when they are already in the U.S.

---

## FOR MORE INFORMATION

---

### Immigration Legal Resources

**ASISTA** provides technical assistance on the intersection between immigration and domestic violence law. ASISTA maintains an online clearinghouse of resources, samples and best practices and is physically located in Des Moines, Iowa. Its website includes the latest information on the Violence Against Women Act and other immigration relief options for victims of domestic violence. For more information, go to [www.asistahelp.org](http://www.asistahelp.org).

**American Bar Association Commission on Immigration** was established in 2002 and directs the ABA's efforts to ensure fair treatment and full due process rights for immigrants and refugees within the U.S. Publications available from the ABA Commission on Immigration include *Standards for the Custody, Placement and Care; Legal Representation; and Adjudication of Unaccompanied Alien Children in the United States, A Judge's Guide to Immigration Law in Criminal Proceedings* and *Immigration Detainee Pro Bono Opportunities Guide*. A guide of free or low-cost legal services for immigrants and refugees, located by state, is available at [http://www.americanbar.org/groups/public\\_services/immigration/resources.html](http://www.americanbar.org/groups/public_services/immigration/resources.html).

**Catholic Legal Immigration Network, Inc. (CLINIC)** provides a range of legal and nonlegal support services to its member agencies composed mainly of Catholic diocesan immigration programs. The member agencies serve low-income immigrants seeking family reunification, citizenship and protection from persecution and violence ([www.cliniclegal.org](http://www.cliniclegal.org)).

**Immigrant Legal Resource Center** is a national nonprofit resource center that provides legal trainings, educational materials and advocacy to advance immigrant rights. ILRC provides the unique "Attorney of the Day," a technical assistance service to assist via phone or email on immigration cases (see <http://www.ilrc.org/legal-assistance>). They have many publications available online regarding potential immigration relief options for foster youth including:

- Fact sheets on immigration options for undocumented children, including SIJS, VAWA, family visas, U visas, asylum, temporary protected status and DACA (see [http://www.ilrc.org/files/documents/ilrc-immig\\_options\\_undoc\\_children-2013-07.pdf](http://www.ilrc.org/files/documents/ilrc-immig_options_undoc_children-2013-07.pdf)).
- A manual on Special Immigrant Juvenile Status, with in-depth discussion of the requirements of SIJS and instructions on how to file an SIJS petition (see <http://www.ilrc.org/publications/special-immigrant-juvenile-status>).
- *Living in the United States: A Guide for Immigrant Youth* (<http://www.ilrc.org/info-on-immigration-law/remedies-for-immigrant-children-and-youth>)
- *Immigration Benchbook for Juvenile and Family Court Judges* (<http://www.ilrc.org/info-on-immigration-law/remedies-for-immigrant-children-and-youth>)

### Information on Team Decision Making and Family Group Decision Making With Immigrant Families

*Using Family Group Conferencing to Assist Immigrant Children and Families in the Child Welfare System*  
By Michelle Howard, MS, LPC, and Lara Bruce, MSW, American Humane Association (2008) <http://cimmcw.org/wp-content/uploads/2013/03/UsingFamilyGroupConferencing.pdf>

*Immigration Dynamics in Team Decision-Making Meetings (TDM) — Peer to Peer Discussion*  
California Family to Family Convening (Nov. 3, 2006, San Francisco, Calif.)  
[www.f2f.ca.gov/res/pdf/ImmigrationDynamicsTDMwkshpNov06.pdf](http://www.f2f.ca.gov/res/pdf/ImmigrationDynamicsTDMwkshpNov06.pdf)

*Family and Community Centered Child Welfare Practice with Refugees and Immigrants*  
Bridging Refugee Youth & Children's Services (Fall 2007 Spotlight)  
[www.brycs.org/brycs\\_spotfall2007.pdf](http://www.brycs.org/brycs_spotfall2007.pdf)



## Training Resources on Immigration Relief Options

**CalSWEC** (California Social Work Education Center), University of California, Berkeley, School of Social Work, has developed a training resource, *Legal Residency for Juveniles Within the Child Welfare System: Special Immigrant Juvenile Status and the Violence Against Women Act*. This brief resource, developed for supervisors and managers, is designed to inform child welfare staff about SIJS and VAWA and the applicability of these laws to undocumented immigrant youth who are in the child welfare system (<http://calswec.berkeley.edu/brief-training-resources>).

**SIJS Caseworker's Toolkit for Children in Federal Custody**: Developed by the Children's Services Department of the U.S. Conference of Catholic Bishops/Migration and Refugee Services, this tool kit is primarily developed for foster care caseworkers assisting children in federal custody to ensure that SIJS-eligible children receive the assistance and case monitoring they need during the SIJS application process ([www.brycs.org/sijs/default.htm](http://www.brycs.org/sijs/default.htm)).

**Benefits for Immigrant Victims of Trafficking, Domestic Violence and Other Serious Crimes in California** (June 2008): Produced by the California Immigrant Policy Center, this guide provides advocates, victims of trafficking and domestic violence, and their families with information on how to gain access to the resources that will help them find treatment, support and aid to cope with the residual effects of abuse ([www.f2f.ca.gov/res/pdf/BenefitsForImmigrant.pdf](http://www.f2f.ca.gov/res/pdf/BenefitsForImmigrant.pdf)).

**Major Benefits Programs Available to Immigrants in California** (November 2014): Produced by the National Immigration Law Center, this table provides information about which benefits programs different immigrants may be eligible for in California (<http://nilc.org/benefitsca.html>).

## Resources on Migration and Child Welfare

**Bridging Refugee Youth and Children's Services (BRYCS)**, a program of the U.S. Conference of Catholic Bishops (USCCB), manages a Website with thousands of resources related to migration and child welfare. ([www.brycs.org](http://www.brycs.org)).

The **Center on Immigration and Child Welfare (CICW)** aims to improve programs and policies related to immigrant children and families involved in the public child welfare system. CICW conducts and disseminates research, provides policy and practice recommendations, develops and disseminates resources, and works with federal, state, and local child welfare agencies to facilitate policy and practice improvements. (<http://cimmcw.org>).

**Latino Practice Advisory Committee (LPAC)** is a collaboration of the California Department of Social Services and the County Welfare Directors Association. The committee was formed to address the growing population of Latino and immigrant children and families in California communities and the child welfare systems, and to facilitate the provision of culturally relevant services that respond to their unique needs. This site collects information and resources for child welfare agencies regarding Latino and immigrant children and families, including research, policy, promising practices, and strategies for organizational improvement. ([http://cssr.berkeley.edu/ucb\\_childwelfare/lpac/](http://cssr.berkeley.edu/ucb_childwelfare/lpac/)).

**Language Portal: A Translation and Interpretation Digital Library**, developed by the National Center on Immigrant Integration Policy/Migration Policy Institute, is a searchable digital library. Geared toward government administrators who want to make their services available to limited-English-proficient individuals, the Portal provides sample documents, service models, hourly translation and interpretation rates for different languages in key U.S. regions, pay differentials for multilingual staff and sample translated documents ([www.migrationinformation.org/integration/language\\_portal/](http://www.migrationinformation.org/integration/language_portal/)).

The **Resources in Spanish** section of the **Child Welfare Information Gateway** website is designed for child welfare professionals who work with Spanish-speaking families, and includes a dictionary of Spanish and English terms for child welfare, as well as topically organized resources on child abuse and neglect, preventing and responding to child abuse and neglect, supporting and preserving families, out-of-home care and adoption ([www.childwelfare.gov/spanish](http://www.childwelfare.gov/spanish)).

The **Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services (ORR)**. ORR runs two federal programs related to migration and child welfare: The Unaccompanied Children's program is responsible for providing unaccompanied children in federal custody with a safe and appropriate child welfare services until discharge to sponsors in the U.S. or return to home country. The Unaccompanied Refugee Minors Program (URM) provides foster care services to unaccompanied minors, including refugees, asylees, victims of human trafficking and youth with SIJS through two national agencies (LIRS and USCCB) and their networks (<http://www.acf.hhs.gov/programs/orr/programs/ucs> and <http://www.acf.hhs.gov/programs/orr/programs/urm>).

## About the Center on Immigration and Child Welfare

The Center on Immigration and Child Welfare is a national peer membership organization that promotes the welfare of children of immigrants and their families. The Center fosters cross-sector collaboration by linking and supporting professionals across the child welfare, immigration, and legal fields. The Center builds the capacity of the U.S. child welfare system to respond to the unique needs of immigrant families and children through: (1) original research, (2) resource development and dissemination focused on the needs of front line practitioners, (3) training and technical assistance (online and in person), and (4) national leadership, including sponsoring cross-sector conferences, workgroups, and advocacy.

## About the Tool Kit

This resource is part of *A Social Worker's Tool Kit for Working With Immigrant Families*, a multicomponent resource guide developed by the Center on Immigration and Child Welfare. The full tool kit can be downloaded at the CICW website at [www.cimmcw.org](http://www.cimmcw.org). Please contact the CICW at [info@cimmcw.org](mailto:info@cimmcw.org) with your feedback on how to improve this tool kit and make it relevant to child welfare practitioners.

## Immigration Status and Relief Options

Primary authors:

- Yali Lincroft, MBA, and Ken Borelli, MSW, ACSW, consultants, Annie E. Casey Foundation's Family to Family Initiative, [www.f2f.ca.gov](http://www.f2f.ca.gov)
- Angie Junck, JD, Supervising Attorney, Immigrant Legal Resource Center, San Francisco, Calif., [www.ilrc.org](http://www.ilrc.org). Special thanks to Angie Junck and Rachel Prandini for updating this Toolkit in February-March 2015.

Edited by:

- Linda Brandmiller, JD, director of immigration services, Catholic Charities/Archdiocese of San Antonio, TX
- Alan Dettlaff, PhD, MSW, Dean and Maconda Brown O'Connor Endowed Dean's Chair, University of Houston Graduate College of Social Work
- Lyn Morland, MSW, MA, Senior Consultant, Center on Immigration and Child Welfare

Reviewed by:

- Bill Bettencourt and Dana Wellhausen, consultants, the Annie E. Casey Foundation's Family to Family Initiative.
- Jorge Cabrera, MSW, ACSW, director, San Diego office and Glenn Paddock, PhD, director of clinical training, Casey Family Programs.
- Elena Cohen, MSW, director, Safe Start Center, Washington, D.C.
- Sonia Velazquez, CSS, vice president of children's services, and Lara Bruce, MSW, child welfare knowledge and program specialist, American Humane Association, Denver, Colorado.

*Funding for the original version of this publication, published in 2009, was provided by the American Humane Association and the Annie E. Casey Foundation.*

*Funding for this revised and updated version, published in 2015, was provided by the Walter S. Johnson Foundation and the efforts of CICW partners and volunteers.*

The Walter S. Johnson Foundation

