

SUPPORTING THE LEGAL NEEDS OF IMMIGRANT CHILDREN IN FOSTER CARE

December 11, 2023



THE CENTER ON
IMMIGRATION
AND CHILD WELFARE

ABOUT THE CICW

The Center on Immigration and Child Welfare (CICW) is housed in the School of Social Work at New Mexico State University. The CICW works to promote the welfare of children of immigrants and their families through original research, resource development and circulation, training and technical assistance, and national leadership, including sponsoring cross-sector conferences, workgroups, and advocacy.

For more information about our mission and work:

- Visit our website at www.cimmcw.org
- Find us on Facebook, Twitter, and Instagram.
- Sign up for monthly e-newsletter!



**THE CENTER ON
IMMIGRATION
AND CHILD WELFARE**

FEATURED SPEAKER

Randi Mandelbaum is the founder and director of the Child Advocacy Clinic (CAC) at Rutgers Law School. The CAC provides representation to foster children, undocumented immigrant children, and low-income children with disabilities, and specifically partners with the New Jersey Department of Children and Families to provide immigration legal services to children in foster care.



WE WILL ALSO HEAR FROM...

- **Cristina Ritchie Cooper**
ABA Center on Children and the Law
- **Rachel Konrad**
Casey Family Programs
Unaccompanied Immigrant
Children Response Team
- **Georgiana Romero-Ochoa**
NJ Department of Children and
Families, Office of Legal Affairs
- **Rachel Prandini**
Immigrant Legal Resource Center
- **Rodrigo Contreras**
Los Angeles County DCFS
Special Immigrant Status Unit
- **Bojana Zezelj**
NYC Administration for Children's
Services, Immigrant Services and
Language Affairs
- **Megan Finno-Velasquez**
NM Children Youth & Families
Department, Immigration Unit

OVERVIEW

- ✓ SIJ basics and common challenges
- ✓ Why a fact finding order is not sufficient
- ✓ Child welfare obligations to provide legal representation
- ✓ Recommended legal screenings & representation
- ✓ A sample screening tool
- ✓ Best practice models from New Jersey, California, New York City, and New Mexico

SIJS FACTUAL DETERMINATIONS/ ELEMENTS

- ✓ Under 21
- ✓ Not married
- ✓ Physically present in the United States
- ✓ Dependent upon juvenile or family court or needs the court to grant custody to an individual or entity
- ✓ Reunification with one or both parents is not viable due to abuse, neglect, abandonment, or something similar under state law
- ✓ Not in youth's best interest to return to country of origin

8 USC § 1101(a)(27)(J)(ii)

3-STEP PROCESS

STEP #1

State Court must make factual determinations



STEP #2

If state court renders all requisite factual determinations (predicate order), prepare and file a Form I-360 with USCIS. A SIJS petition must include a state court order and proof of date of birth



STEP #3

If SIJS is granted, client still needs to file I-485 to adjust status when priority date is current

REMEMBER!



**SIJS \neq LAWFUL PERMANENT
RESIDENCE**



SIJS VISA BACKLOG

Spring 2016

SIJS-based adjustment visa category backlogged for children and youth from El Salvador, Guatemala, Honduras, and Mexico.

Currently

5+ year wait once SIJS is approved for priority date to become current

Backlog applies to all children

April 2023

RECENT SIJS POLICY

- With a grant of SIJS, the youth will be eligible for up to **4 years** of Deferred Action
- Once receive Deferred Action, **can apply for work authorization**

WHICH STATE COURTS?

- Child Protection/Dependency
- Termination of Parental Rights Proceedings
- Adoption
- Custody/Guardianship
- Juvenile Justice/Delinquency
- Probate

JUVENILE DOCKET

So long as judge has authority to make determinations on dependency or custody of the youth as a juvenile under state law, SIJS determinations can be made.

Best to do it before, or at same time as, disposition

If after disposition, can still make a post-disposition motion

SIJS IN A JUVENILE PROCEEDING

- USCIS specifically states that predicate orders can be obtained in juvenile proceedings →
https://www.uscis.gov/sites/default/files/document/brochures/PED.SIJ.1015_Brochure_M-1114B_Revised_05.19.16.pdf
- For further support see:
 - **SIJ Policy Manual:** <https://www.uscis.gov/policy-manual/volume-6-part-j>
 - **NJDC (National Juvenile Defender Center)** page 12 of <http://njdc.info/wp-content/uploads/2017/10/Juvenile-Defender%E2%80%99s-Guide-to-Immigration-Issues-in-Juvenile-Proceedings.pdf>

CUSTODY OR DEPENDENCY

The child must be “dependent on a juvenile court” or “legally committed to, or placed under the custody of, an agency or department of the State” by a juvenile court or “placed under the custody of an individual or entity appointed by a State or juvenile court.”

8 U.S.C. § 1101(a)(27)(J)(i)

REUNIFICATION IS NOT POSSIBLE DUE TO ABUSE, NEGLECT OR ABANDONMENT

- Will vary from State to State
- New Jersey's Definition of an abused child
 - Under 18
 - Parent, guardian or other person having care & control
 - Non-accidental physical injury
 - Commits sexual abuse or allows to be committed
 - Physical, mental or emotional condition impaired or imminent danger of becoming impaired
 - Adequate maintenance (food, clothing, shelter, etc.)
 - Substantial risk of harm
 - Abandoned

WHERE CAN ABUSE OR NEGLECT OCCUR?

Abuse, Neglect, or Abandonment
can occur in U.S. or in home country

ONE PARENT

SIJ eligible children may:

- Be, or have been, in federal custody due to their undocumented status.
- Be in a state's child welfare system.
- Be living with a foster family, an appointed guardian, or the non-abusive parent.
- Have been the victim of child abuse that occurred while residing in the U.S.
- Have been the victim of child abuse that occurred in the child's home country.

Note: this is not an exhaustive list.

Can a child, who is living safely with one parent qualify for SIJS?

→ YES

USCIS has explicitly acknowledged that a child living with one parent can qualify.

Source: Immigration Relief for Abused Children, Information for Juvenile Court Judges, Child Welfare Workers and Others Working with Abused Children, United States Citizenship and Immigration Service (April 2014), available at http://www.uscis.gov/sites/default/files/USCIS/Green%20Card/Green%20Card%20Through%20a%20Job/Immigration_Relief_for_Abused_Children-FINAL.pdf.

FACT FINDING ORDER IS OFTEN INSUFFICIENT

May not say reunification is not viable

May not address that it is not in child's best interest to return to country of origin

May not even address the relevant abuse, neglect or abandonment if it concerns a parent not before the court.

If possible, best to obtain a separate order (predicate order) that will meet the requirements of USCIS

SIMILAR BASIS UNDER STATE LAW

The state court can also find that reunification is not viable for another reason that is similar under state law to a finding of abuse/neglect/abandonment.

- This can be any finding that has similar consequences to a finding of abuse/neglect/abandonment.
- Children in Need of the State's Assistance
- "Uncared" for Child
- Cruelty and the death of a parent are the most common similar bases under state law.

DEATH OF A PARENT

Is parental death equivalent or similar to abandonment?

→ IT CAN BE

USCIS Policy Manual, Vol. 6, Part J, ch. 3.A.1 (emphases added):

“The fact that one or both parents is deceased is not itself a similar basis to abuse, abandonment or neglect under state law. A *legal conclusion* from the juvenile court is required that parental death constitutes abuse, neglect, abandonment, or is *legally equivalent* to a similar basis *under state law*.”

HOW TO DETERMINE “BEST INTERESTS NOT TO RETURN”

Look to standard for “best interests” found in state law



Consider factors such as:

lack of caretaker in
home country

family support
system

physical and
emotional well-
being of child

special needs of
child

medical and
educational
resources

ROLE OF THE STATE COURT

The State Court renders the factual findings and issues the predicate order. State Court has **no jurisdiction to decide whether any child qualifies for SIJS.**

Abuse/neglect/abandonment findings must be made under **STATE** law, not the law of the child's country of origin.



BE MINDFUL OF TIME

Make sure you motion for predicate order before jurisdiction of court is lost.

Agency involvement might not equate with court intervention

IDENTIFYING A NEED FOR IMMIGRATION COUNSEL

Who may need immigration assistance?

anyone who is not a citizen could be removed from the United States

Non-citizens: lawful permanent residents, temporary status, no status



How to recognize when a client might benefit from immigration assistance?

no social security number or restricted

not born in the U.S.:
foreign birth certificate or
passport

unable to provide or
unsure about providing
documentation

immigration documents

**IMPORTANT TO ENSURE
THAT CHILDREN WHO
HAVE IMMIGRATION
ISSUES ARE
REPRESENTED**

LEGAL REFERRAL TOOL

Immigration Legal Referral Tool

1. Immigration Legal Services Provider:
2. Email:
3. Phone:
4. Address:

Instructions:

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

Case File Information to Include:

5. Today's date:
6. Child's name:

This tool was developed by the ABA Center on Children and the Law, with the support of Casey Family Programs, Judicial and National Engagement Team

BEST PRACTICE MODELS

NEW JERSEY



WHAT IS THE RUTGERS/DCF PROJECT ?

A collaboration between Rutgers law school and the Department of Children and Families to provide immigration legal services to children in foster care or youth aging out of foster care.

Began in May 2016.

Initially, Rutgers had agreed to take on 40 cases in the first year, split between two attorneys, located in Newark and Camden, who would each work part-time on this project. However, this number was surpassed within the first four months.

WHY DID DCF PARTNER WITH RUTGERS TO PROVIDE IMMIGRATION SERVICES TO THEIR YOUTH?

- To promote children's goals of stability and permanency
- Alleviate child's vulnerability
- Keep families together
- Allow children to access public benefits and assistance
- Work lawfully
- Obtain health insurance
- Obtain financial aid



CONTACT INFORMATION



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NEW JERSEY DEPARTMENT OF CHILDREN AND FAMILIES

THE NJ DCF AND RUTGERS LAW SCHOOL PROJECT

Georgiana Romero Ochoa, Esq.
Immigration Legal Specialist,
DCF, OLA

WHY?

- DCF recognized that immigration status is tied with ensuring permanency and stability for a child.
- Without permanent status in the U.S., an immigrant child will have difficulty with achieving independence as they cannot:
 - Work legally
 - Receive financial aid for college
 - Qualify for most state/federal benefits and will live in constant fear of removal
- Prior to the project, caseworkers did not have a coordinated approach or process to seek out legal services for immigrant children on their caseloads.

WHAT?

- The partnership between DCF's DCP&P and Rutgers Law School began in May of 2016
- The project is based out of Rutgers Law School which has 2 campuses, one in Camden (Immigrant Justice Clinic) and one in Newark (Child Advocacy Clinic)
- Due to the increasing need, the project currently consists of the following:
 - 4 Attorneys (1 Supervising Attorney and 3 Staff Attorneys)
 - 1 Paralegal
- Cases Referred: 175 Open cases
- Priorities include: Aging out of care and exceptional cases mutually agreed upon by DCF and Rutgers

REFERRALS

WHO CAN BE REFERRED?

Any immigrant child 0-21 y/o in CP&P custody at the time of the Rutgers Referral

HOW DOES THE REFERRAL PROCESS WORK?

Cases can be referred by CP&P only; typically, the CP&P caseworker assigned to the case refers the child on a form that was collaboratively developed between Rutgers and DCF.

Currently, all referrals are routed to the paralegal who receives the case and quickly gathers some preliminary facts to assess the needs of the child and the urgency of the situation.

DCF IMMIGRATION LEGAL SPECIALIST

Supports local offices with all questions regarding immigration, including:

- Conferencing matters with local offices reg. immigration issues/questions
- Notifying consulates when a foreign national minor is in CP&P custody
- Building relationships with consulates
- Collaborating with Rutgers Law School for legal representation for children/youth in care
- Locating parents in ICE detention and coordinating their participation in court proceedings
- Providing additional community-based immigration resources for immigration representation
- Providing education/training on topics such as SIJS, U-Visas, and Division policies and practices surrounding immigration
- Collaborating with the Office of Interstate Services to assist in document tracing, person tracing and other services available via our contract with International Social Services (ISS)

CONTACT INFORMATION



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609-888-7034

CALIFORNIA



IMMIGRANT LEGAL RESOURCE CENTER



CALIFORNIA GUIDANCE: PURSUING IMMIGRATION RELIEF FOR YOUTH IN CARE

The “Reuniting Immigrant Families Act” requires (among other things) that for children 16 years of age or older, the case plan must include “whether the youth has an in-progress application pending for...special immigrant juvenile status or other applicable application for legal residency.” Cal. Welf. & Inst. Code § 16501.1(g)(16)(A)(ii).

Cal. Welf. & Inst. Code § 16010.6(f) requires that when the placing agency becomes aware that a dependent child or a nonminor dependent is undocumented, it must notify the dependent child's or nonminor dependent's attorney within 5 business days.

CALIFORNIA GUIDANCE: PURSUING IMMIGRATION RELIEF FOR YOUTH IN CARE

Cal. Welf. & Inst. Code § 13310 requires counties to make “best efforts to provide an undocumented minor or nonminor dependent in foster care under the jurisdiction of the juvenile court with access to immigration legal services. This access may be provided by the child welfare agency through outside legal service providers.”

California Department of Social Services, All County Letter No. 22-54, *Immigration Legal Services for Undocumented Immigrant Minor and Nonminor Dependents in Foster Care* (June 26, 2022) provides guidance for caseworkers to build trust with youth and families in order to identify youth who may need immigration assistance as early as possible. It also includes guidance on connecting youth with immigration legal services.



LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES

DCFS SPECIAL IMMIGRANT STATUS UNIT

Rodrigo Contreras, LCSW
Supervising Children's Social Worker

NEW YORK CITY



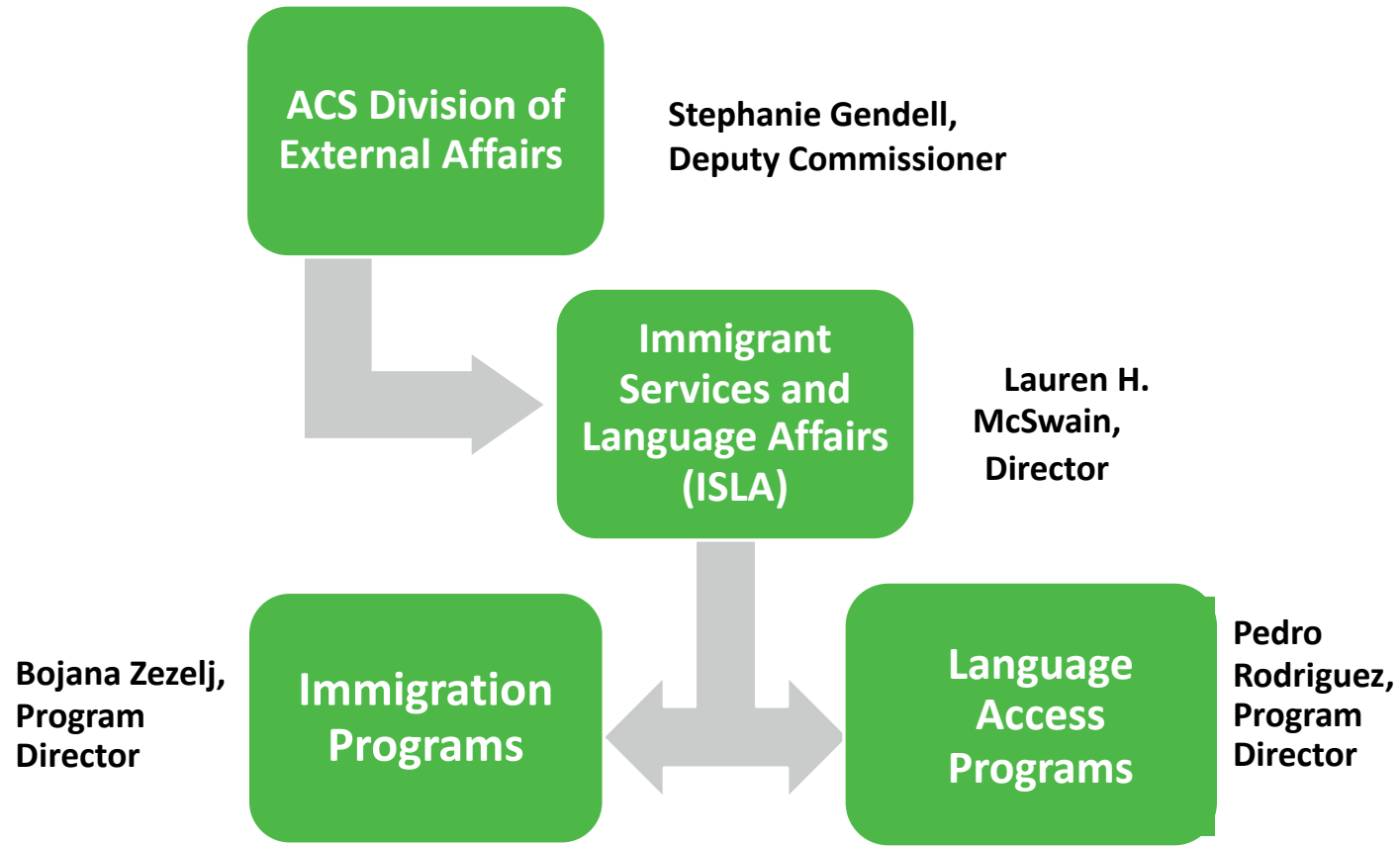


NYC ADMINISTRATION FOR CHILDREN'S SERVICES

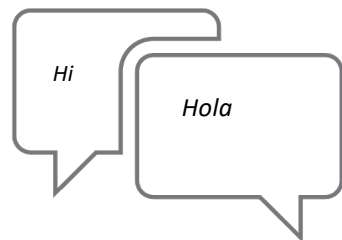
IMMIGRANT SERVICES AND LANGUAGE AFFAIRS (ISLA)

Bojana Zezelj, LMSW, MIA
Program Director

ISLA: WHO WE ARE



ISLA: WHAT WE DO



Language Access

Agency Policies

Training

Contract Management

Quality Assurance

Immigration

Agency Policies

Immigration Services for Youth in Care

Case Consultations

Training

U and T Visas

Community Engagement & Partnerships



CITY OF IMMIGRANTS

3 million New Yorkers (35 % of the city's population) are foreign born

More than 1 million NYC children **(60%)** live in a household with at least one foreign-born member

22% of all New Yorkers and approximately **50%** of all immigrants are Limited English Proficient (LEP)

Source: Mayor's Office of Immigrant Affairs 2020 and 2021 Annual Reports



ACS POLICY ON SPECIAL IMMIGRANT JUVENILE STATUS (SIJS) AND IMMIGRATION ASSISTANCE

All youth in ACS care who are not US citizens MUST be:

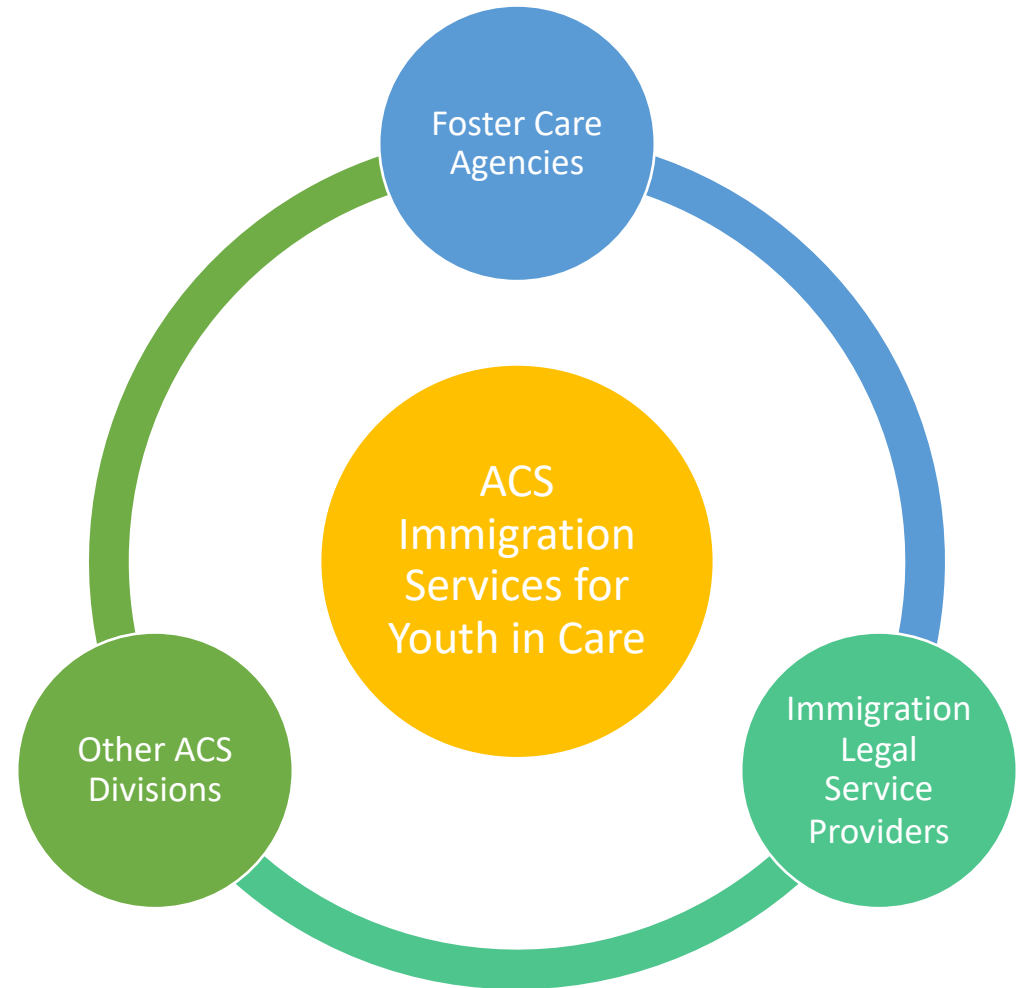
- ✓ Identified
- ✓ Referred for immigration services
- ✓ Assisted throughout the process of receiving immigration relief



A vibrant, cartoon-style illustration of a village scene. In the background, a church with a tall steeple is visible on the left, next to a large, leafy green tree. Several houses with brown roofs are scattered across the landscape. In the foreground, a dirt road curves from the bottom left towards the center. To the right of the road, a black and white cow stands near a small garden bed filled with red tomatoes. A basket of carrots sits next to the garden. A brown hen with three yellow chicks is nearby. To the right, a brown horse is running in a fenced-in area. In the far background, a rooster sits atop a weather vane on a barn. The sky is a clear blue with a bright yellow sun in the top left corner.

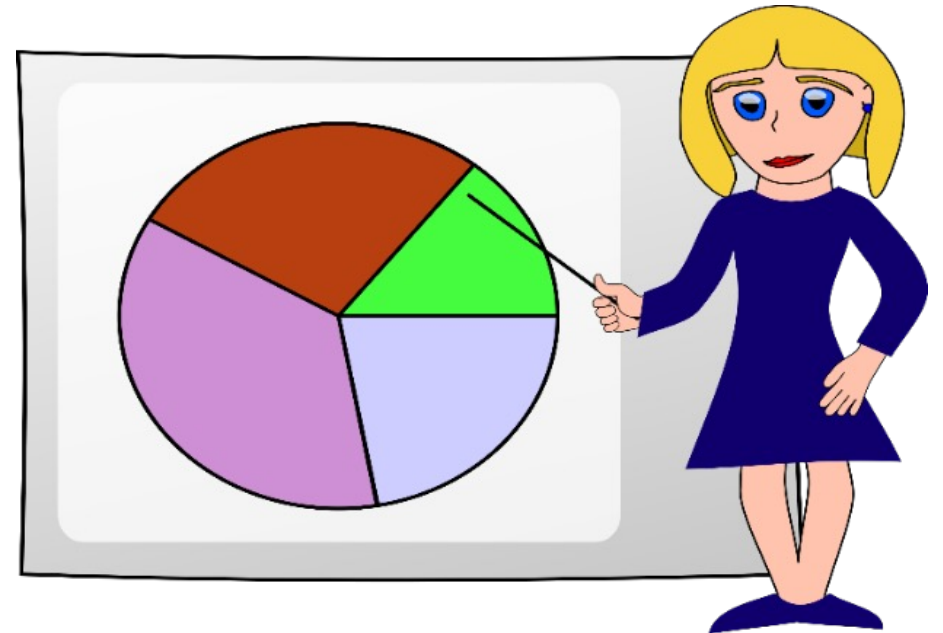
IT TAKES A VILLAGE!

COLLABORATIVE TEAM



IMMIGRATION SERVICES FOR YOUTH IN CARE (ISYC)

- Oversees foster care provider agencies' efforts
- Coordinates all collaborative partners
- Trains on policy and best practices
- Assists with individual cases
- Tracks and keeps records of case progress



ACS DIVISIONS SUPPORTING SIJS POLICY

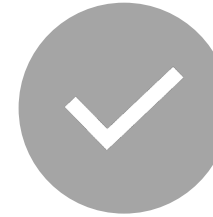
- Family Court Legal Services
- Family Permanency Services
- Division of Youth and Family Justice
- Division of Child Protection
- Policy, Planning & Management
- Office of General Counsel



IMMIGRATION LEGAL SERVICE PROVIDERS (IMMIGRATION ATTORNEYS)



Represent client in immigration court and before the federal government



Complete and file immigration documentation on the client's part



Follow up with immigration authorities



Provide immigration advice



Work with ISYC and foster care providers when additional assistance is needed

FOSTER CARE PROVIDERS' RESPONSIBILITIES TO IMMIGRANT CHILDREN & YOUTH

- Appoint an **Immigration Liaison**
- **Screen** all children & youth in care to **determine** who is not a US citizen and needs immigration assistance
- **Refer** immigrant children & youth to immigration legal services
- **Collaborate with immigration legal service providers** and ISYC and
- **Support the young person** throughout the process of receiving immigration assistance (could take years)
- **Record and track** all cases and **submit quarterly reports** to ISYC



HELP FOR IMMIGRANT FAMILIES AND CHILDREN NOT IN FOSTER CARE

Immigrant families and children involved with ACS may be eligible for various kinds of immigration relief:

- **SIJS** - a child does not have to be in foster care to be eligible for SIJS
- **U-visa** - for victims of certain crime, including DV, who cooperate with law enforcement, including ACS
- **T-visa** - for persons who have been trafficked for labor or sex work exploitation

ISLA office certifies U-visa and T-visa requests submitted by clients' immigration attorneys



ISLA PROVIDES GUIDANCE TO ACS STAFF ABOUT...

CONSIDERATIONS

- Challenges unique to immigrant experience
- Importance of confidentiality and appropriate terminology
- DOs and DON'Ts when assisting with immigration legal needs
- Communication with immigration authorities, especially ICE

OUTSIDE RESOURCES

- We Speak NYC - Language Classes
- NYC Care - healthcare
- Promise NYC – childcare
- IDNYC – photo ID
- NY Driver's License
- MTA Fair Fares
- NYS Dream Act – Tuition Assistance
- Assistance for Asylum Seekers

CONTACT US

Lauren H. McSwain, Director of Immigrant Services and Language Affairs:

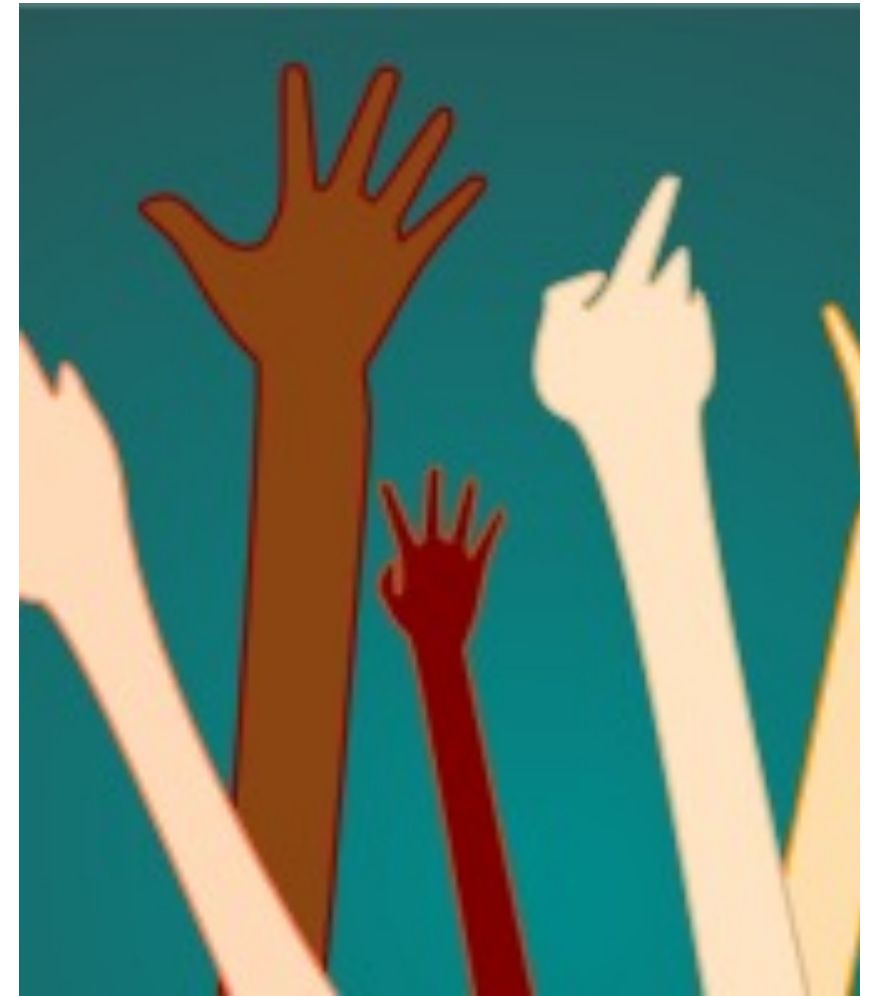
Lauren.McSwain@acs.nyc.gov

Bojana Zezelj, Immigration Services for Youth in Care Program Director:

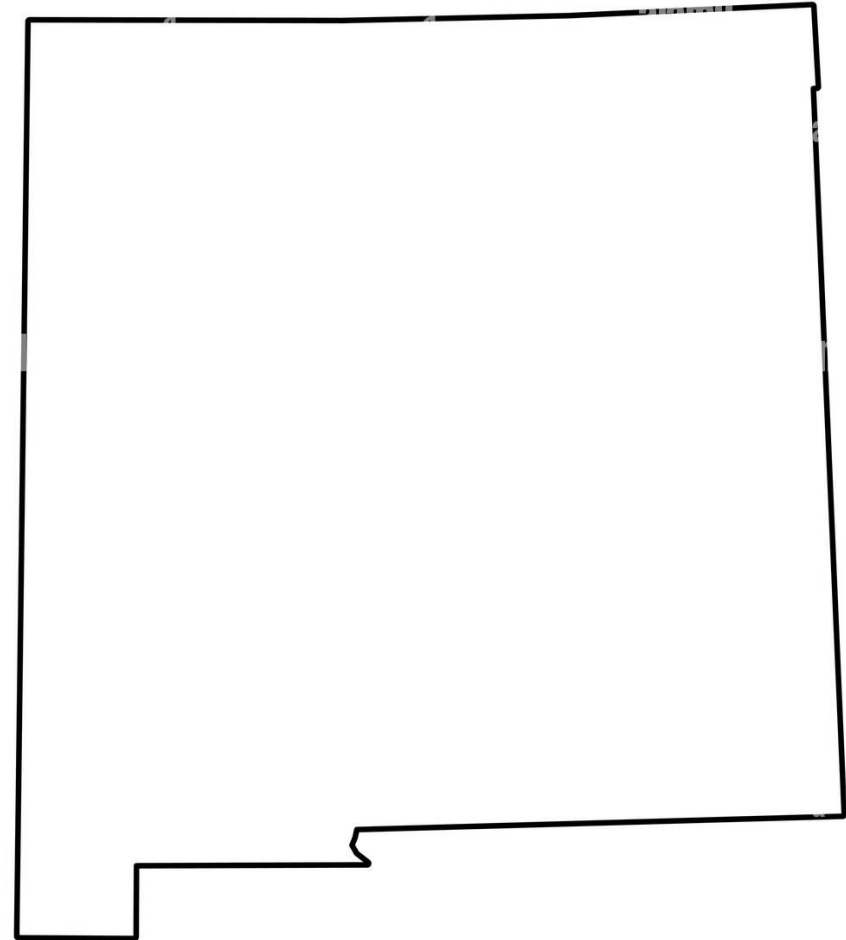
bojana.zezelj@acs.nyc.gov

Immigration Services for Youth in Care:

sijs@acs.nyc.gov



NEW MEXICO





THE NEW MEXICO CYFD IMMIGRATION UNIT

**Megan Finno-Velasquez,
LMSW, PhD**

WHAT WE DO

- ❑ Case consultation on cases involving immigrant families
- ❑ Consular Notification
- ❑ Liaison to foreign country consulates on mutual cases
- ❑ Facilitation of services in foreign countries
- ❑ Assist with communicating to relatives in foreign countries
- ❑ Eligibility screening for immigration relief
- ❑ Translation services
- ❑ Immigration representation on a case-by-case basis for children
- ❑ Referrals for immigration legal assistance for children and families
- ❑ Consultation and federal reporting of potential victims of human trafficking
- ❑ Staff training on immigration issues
- ❑ Collaboration with community-based immigrant serving organizations.
- ❑ Outreach and education to immigrant communities.

LEGAL IMMIGRATION RELIEF PROCESSES

PROTECTIVE SERVICES

- Immigration Affairs Unit coordinates initial meeting with case staff upon receiving notification of a non-citizen minor in custody.
- Unit arranges and coordinates an immigration screening meeting with an immigration attorney, case staff, Guardian ad Litem/Youth attorney and child or youth when appropriate (with release of information)
- Unit continues monthly meetings with all parties involved throughout the life of the legal case.

JUVENILE JUSTICE SERVICES

- Immigration Affairs Unit coordinates an immigration screening meeting with an immigration attorney, Juvenile Probation Officer and the youth.
- Unit connects youth's attorney with public defender contracted to provide immigration analysis of case

IMMIGRATION ATTORNEY REFERRALS

**NEW MEXICO IMMIGRANT LAW
CENTER**

SANTA FE DREAMERS PROJECT

MEXICAN CONSULATES

**COMMUNITY IMMIGRATION
ATTORNEYS**

The background of the image is a photograph of a library or office shelf. The shelf is filled with numerous binders or folders, organized in rows. The binders are mostly white and light-colored, with some darker ones visible in the lower right. The perspective is slightly angled, showing the depth of the shelves. A dark, semi-transparent rectangular overlay is positioned in the center of the image, containing the word 'RESOURCES' in white, bold, uppercase letters. Below the text, a thin purple horizontal line extends across the width of the overlay.

RESOURCES

RESOURCES

These and many other key immigration & child welfare related resource can be found on CICW website!



A Pathway to Permanency: Collaborating for the Futures of Children who are Immigrants in the Child Welfare System

Joanne Gottesman
*Rutgers Law School
Camden, New Jersey*

Randi Mandelbaum
*Rutgers Law School
Newark, New Jersey*

Meredith Pindar
*Department of Children & Families
Trenton, New Jersey*

This article examines a unique statewide collaboration between Rutgers Law School and the New Jersey Department of Children and Families to provide immigration legal services to children in foster care. As the Project enters its third year, the authors examine the reasons why the collaboration was launched. They then describe the structure and staffing of the Project, including the development of case referral and management systems. The data collected over two years and included in the article provides a snapshot of services offered to children who are immigrants and in the foster care system. Finally, the authors reflect on the lessons learned and share insights with others interested in launching similar projects.

THE NEW MEXICO CHILDREN, YOUTH & FAMILIES DEPARTMENT IMMIGRATION UNIT

A MODEL FOR CHILD WELFARE & JUVENILE JUSTICE SYSTEMS SERVING IMMIGRANT CHILDREN AND THEIR FAMILIES



Prepared by:



In collaboration with:



NOVEMBER 2022

SERVING IMMIGRANT CHILDREN & FAMILIES WITH CHILD WELFARE SYSTEM INVOLVEMENT:

PROMISING MODELS FOR MEETING COMPLEX NEEDS AT THE INTERSECTION OF IMMIGRATION & CHILD WELFARE

DECEMBER 2023

By Sophia Sepp, Effie Clayton, Megan Finno-Velasquez & Kristina Lovato

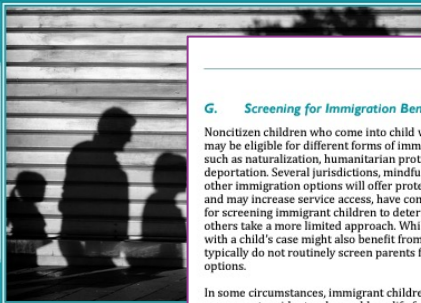


RESOURCES

MIGRATION POLICY INSTITUTE

IMMIGRANT FAMILIES AND CHILD WELFARE SYSTEMS

Emerging Needs and Promising Policies



By Mark Greenberg, Ph.D.
Jennifer Grunwald



MIGRATION POLICY INSTITUTE

G. Screening for Immigration Benefits

Noncitizen children who come into child welfare agencies' custody may be eligible for different forms of immigration benefits—such as naturalization, humanitarian protection, or relief from deportation. Several jurisdictions, mindful that legal status or other immigration options will offer protection from deportation and may increase service access, have comprehensive procedures for screening immigrant children to determine their options; others take a more limited approach. While parents associated with a child's case might also benefit from screening, jurisdictions typically do not routinely screen parents for immigration legal options.

In some circumstances, immigrant children in care are lawful permanent residents who could qualify for naturalization.³⁴³ In the child welfare context, the mostly likely scenario for naturalization would occur where a child in care is age 18 or older and has been a lawful permanent resident for at least five years. Naturalization would bring significant benefits to such children. Some human services agencies have been actively involved in supporting naturalization efforts.³⁴⁴ Potential eligibility for naturalization would likely only be identified if the agency provides for screening of all noncitizen children.

For unauthorized immigrant children and youth, there are five common humanitarian protection possibilities: Special Immigrant Juvenile (SIJ) status, self-petitioning under the *Violence Against Women Act*, U nonimmigrant status (U visa), T nonimmigrant status (T visa), and asylum. Each of these provides a path to permanent residency (LPR status, also known as a "green card") and employment authorization. While jurisdictions commonly have established procedures for screening and assisting potentially eligible minors in applying for SIJ status, comprehensive screening for other protections is less common.

To briefly summarize each of these humanitarian protection possibilities:

- **Special Immigrant Juvenile (SIJ) Status.** Unauthorized immigrants under age 21 may be eligible to receive SIJ status from USCIS if a state court finds: (1) they are dependent on the court or are placed in the custody of a state agency or department or an individual or entity appointed by the court; (2) they are unable to reunify with at least one parent due to abuse, neglect, abandonment, or similar reasons; and (3) it is not in their best interest to return to their previous country or that of their parent. Children in HHS custody who apply for SIJ status must also obtain HHS consent to the state court's jurisdiction to determine their custody status or placement.³⁴⁵
- **Violence Against Women Act (VAWA).** Under VAWA, immigrants can self-petition for LPR status if they, their child(ren), or their stepchild(ren) have experienced domestic violence or been subject to extreme cruelty by a U.S. citizen or LPR who is the petitioning individual's spouse;

Recommendation: Develop a process, using internal staff or a grant or contract with an outside entity, to ensure that all noncitizen children in care, and parents associated with children in care, are screened for immigration benefits such as naturalization, humanitarian protection, and relief from deportation.

IMMIGRANT LEGAL RESOURCE CENTER



STRENGTHENING CHILD WELFARE PRACTICE FOR IMMIGRANT CHILDREN & FAMILIES

A Toolkit for Child Welfare Professionals in California

AUGUST 2019



Teaching, Interpreting, and Changing Law Since 1972
www.ilrc.org

SEPTEMBER 2021

SCREENING QUESTIONS FOR IMMIGRANT YOUTH

DETERMINING POTENTIAL AVENUES FOR LEGAL STATUS*



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 a person is born outside the U.S., ask two threshold questions to see if the person might automatically be a U.S. citizen. If the answer to either might be yes, refer for immigration counseling.
- Was there a U.S. citizen parent or grandparent at the time of the person's birth? Or,
 - Before the person's 18th birthday, did at least one natural or adoptive (but not step-) parent having some form of custody over the child become a U.S. citizen? (Tip: Encourage the parent to become a U.S. citizen!)

STORE

DONATE

SIGN IN



ABOUT

WHAT WE DO

AREAS OF EXPERTISE

BOOKS AND TRAININGS

COMMUNITY RESOURCES



RESOURCES

THE REUNITING IMMIGRANT FAMILIES ACT (SB 1064)

The Reuniting Immigrant Families Act (SB 1064)

IMMIGRANT YOUTH

PUBLICATION DATE: Aug 26, 2014

SHARE



ONLY OR PROBATE

both parents
it would not be in the
Immigrant Juvenile

the non-abusive

entire immigration
is not possible, the
used on age.

I seek an individualized
[ask/ask/askhelp](#)

continued on next page

SB 1064 - SEP 2021

CICW IMMIGRATION & CHILD WELFARE PRACTICE NETWORK

Platform for ongoing communications among child welfare agency representatives who work with families around immigration issues across the country.

If you work directly with immigrants or on immigration issues/policies in child welfare, please join our network.

Go to <https://cimmcw.org/cicw-professional-networks/> to request to be added to the listserv!



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The background features several white paper cutouts of human heads in profile, arranged in a circular pattern. Each head contains a large black question mark. A dark grey rectangular box is centered over the image, containing a lightbulb icon with radiating lines above the word "QUESTIONS?".

QUESTIONS?
