

## QUESTIONS TO ASK ABOUT FOREIGN BORN FOSTER CHILDREN

December 2011

### **Has the foreign consulate been notified?**

For summary of the duty to notify the consulate under Vienna Convention on Consular Relations and a sample notice letter, See The Texas Practice Guide for Child Protective Services Lawyers, Section 9, p. 16, available online at:

[www.dfps.state.tx.us/documents/Child\\_Protection/Practice](http://www.dfps.state.tx.us/documents/Child_Protection/Practice)

### **Has a birth record been requested (if it isn't already available)?**

### **Does the child have one or both U.S. citizen parent(s)?**

If so, ask:

- If both parents are U.S. citizens, did one of them live in the U.S. before the child in question was born?
- If one parent is a U.S. citizen, did that parent live in the U.S. for five years (including at least two years after the age of 14) before the child was born?
- If one or both parents naturalized, when did this occur?

### **Does the child have permanent resident status?**

If so, ask:

- When did the child get permanent resident status?
- If the child does not have his/her permanent resident card, does anyone have the A# (which appears on the card and any correspondence from U.S.C.I.S.).
- If youth has been a permanent resident for at least 5 years and is at least 18 years old, has eligibility for naturalization been assessed?

### **Does the child appear to be undocumented?**

- If so, is reunification with one or both parents no longer viable as a result of abuse, neglect or abandonment? If yes, is assessment for Special Immigrant Juvenile Status (SIJS) is underway.

### **Was the child adopted internationally?**

If so, ask:

- Was the adopted parent (or both parents if married) present if the adoption took place in the child's country of origin?
- If the adopted parent(s) was not present for the adoption in the child's country of origin, did they adopt the child in the U.S. after the child arrived?
- What type of visa did the child enter the U.S. with? IR-3? IR-4?
- Was the child adopted while under age 16?