

	<b>GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL</b>			
	<b>Chapter:</b>	(19) Case Management	<b>Effective Date:</b>	TBD
	<b>Policy Title:</b>	Working with Immigrant or Refugee Families		
	<b>Policy Number:</b>	TBD	<b>Previous Policy #:</b>	10.17

**CODES/REFERENCES**

Title IV-E of the Social Security Act Section 471(a)(27)  
 Immigration and Nationality Act  
 Georgia Security and Immigration Compliance Act of 2006  
 Vienna Convention on Consular Relations of 1963  
 Detention and Removal of Alien Parents or Legal Guardians (Detained Parents Directive)

**REQUIREMENTS**

- The Division of Family and Children Services (DFCS) shall:
1. Utilize culturally competent assessments, engagement and intervention to ensure the safety, permanency, and well-being of children who have an open child welfare case (Investigations, Family Support, Family Preservation, Foster Care or Adoptions).
  2. Provide language assistance services for families and children with limited English proficiency (“LEP”) based on their preferred non-English language through:
    - a. Interpretation services for all oral communications;
    - b. Translation of all child welfare written communications into the preferred non-English languages at the appropriate literacy level.
  3. Engage immigrant/refugee parent(s) or legal guardian(s) of children involved in an open child welfare case regardless of their location (United States (U.S.), abroad or detained) or proximity to the child to assist with case plan development and implementation.
  4. Determine the immigration status of each family member.
    - a. *Verify the citizenship or immigration status of any child in foster care under the responsibility of the State under Title IV-E or Part B, and without regard to whether foster care maintenance payments are made under section 472 on behalf of the child.*
    - b. Follow the provisions of the Immigration and Nationality Act (INA) when unable to determine a child in foster care lawful US residency status. Information regarding the INA is available at <http://www.uscis.gov/laws/immigration-and-nationality-act>.
  5. Conduct cultural research to improve outcomes and support the service needs of the immigrant/refugee family or child:
    - a. Review reputable articles, studies or news, when unfamiliar with the immigrant/refugee family’s country or origin, culture, norms, or religious beliefs.
    - b. Gather information from the immigrant/refugee family about their culture.
  6. Be knowledgeable of services, resources, and organizations available to provide culturally competent services to immigrant/refugee families. Make culturally appropriate referrals to formal and informal providers that can meet the cultural unique needs of immigrant/refugee families.

7. Initiate an inquiry to locate parent or legal guardian of a child involved in an open child welfare case who is detained for an immigration violation by the U.S. Immigration and Customs Enforcement (ICE).
8. Coordinate with ICE to provide detained parents or legal guardians, who are identified as parties in a child welfare proceeding, with tailored and individualized services that support the child's best interest regardless of the cultural background, country of origin, or the immigration status of their parent(s) or legal guardian(s).
9. Notify the closest applicable consulate of the following within 24 hours of the occurrence when, regardless of the foreign national child's visa, refugee, or immigration status in the U.S.:
  - a. A foreign national is taken into DFCS custody.  
**NOTE:** The notification also applies if DFCS learns at a later date during a foster care case that a child is foreign national.
  - b. A petition to appoint a guardian for a foreign national is filed with a court (i.e. guardianship, custody to a third party, temporary alternative to foster care).
  - c. Legal proceedings are initiated in which a foreign national child is named as a party and the child's parent or guardian cannot be located (unable to locate).
  - d. A foreign national child dies, is seriously injured, or experiences a near fatality when the child is involved in an open child welfare case.  
**NOTE: Under no circumstances** should the fact that a foreign national has applied for asylum or refugee status be revealed to the Consular.
10. When the child removed from the home is a foreign national and/or the parent(s) or legal guardian(s) is a foreign national seek assistance from the consulate with diligent search to identify and locate parents, relatives or fictive kin who may be considered as a placement for the child and/or a support for the family while the child is in foster care and request any consulate services that may be available to the family.
11. Provide foster care services to children without regard to their immigration status.
12. Prioritize reunification with parents or legal guardians and placement with relatives regardless of the parent's or legal guardian's, relative's, or children's immigration/refugee status.
13. Determine **within 60 days** of an undocumented immigrant child entering foster care whether reunification with the child's parents within the U.S. or in the child's country of citizenship is in the child's best interest.
14. Ensure the Case Plan and Written Transitional Living Plan (WTLP) for an undocumented immigrant child in foster care addresses DFCS efforts to:
  - a. Repatriate the youth (return the youth to their country of citizenship);
  - b. Seek immigration status relief (i.e. Special Immigrant Juvenile (SIJ) status);
  - c. Secure placement with identified resources post foster care discharge.
15. Take all appropriate steps to receive child support payments for children in DFCS custody whose parents are undocumented or deported. See the Division of Child Support Policy Manual policy **5.0 Intergovernmental Child Support Services**.  
**NOTE:** DFCS shall not decline child support payment for a child in foster care whose parent is an undocumented immigrant or does not have a social security number.
16. At its discretion enter into a memorandum of understanding (MOU) with foreign consulates to promote cooperation in cases involving children who are nationals of another country or whose parents are nationals of another country. DFCS has established a MOU with the Consulate General of Mexico, see the MOU in the Forms and Tools for additional provisions and guidance.  
**NOTE:** When there is a discrepancy between the MOU and the policy, consult with the

## PROCEDURES

The Social Services Case Manager (SSCM) will:

1. Provide language assistance services for families and children with LEP based on their preferred non-English language:
  - a. Obtain the name of the native language or the language in which the family or child is most comfortable communicating.
  - b. Make a request for interpreter services when there is a plan to communicate with the family or child either over the phone or in person (such as purposeful contacts, family team meetings (FTM) or telephone calls) in accordance with policy 1.4 Administration: Non-Discriminatory Child Welfare Practices.
  - c. Follow up with the interpreter's availability during the contact with the family or child (if applicable).
  - d. Make a request for the translation of written documents (such as case plans, safety plans and notifications) at the appropriate literacy level of the family or child in accordance with policy 1.4 Administration: Non-Discriminatory Child Welfare Practices.

**NOTE:** Often families designate their children who may speak English to translate. While this may appropriate for scheduling an appointment or minor communication it is not efficient when building rapport and providing services to families. A professional interpreter should be offered and made available to the family or child during the life of the case.

2. Review reputable articles, studies or news, when unfamiliar with the immigrant/refugee family's country or origin, culture, norms, or religious beliefs.
3. When engaging or conducting purposeful contacts with an immigrant/refugee family member:
  - a. Utilize video conferencing to engage immigrant/refugee parent(s) or legal guardian(s) who are not located within the U.S., detained by the U.S. Immigration and Customs Enforcement (ICE), or have been deported to their country of origin.
  - b. If using an Interpreter follow the guidelines outlined in Practice Guidance: Interpreter Services.
  - c. Thoroughly explain the Child Protective Services (CPS) process, legal basis for the report or intervention, the SSCM's role, as well as their rights during DFCS involvement.

**NOTE:** Many refugees/immigrants are not accustomed to child welfare in their country of origin and maybe unfamiliar with the role of child protection services in the U.S.

- d. Obtain the immigration or refugee status of each family member to assess the family's needs, possible traumas, or barriers that may impact the safety, permanency and well-being needs of the child:
  - i. Inquire about the birthplace of the child, his/her parents and relatives.
  - ii. View and obtain documentation to identify or validate their immigration status.
- e. Gather information about the immigrant/refugee family's journey to the U.S.

**NOTE:** It is also important to be mindful that some families may be concerned how child welfare involvement may impact their immigration status. Therefore, it is important to explain that the need for determining their immigration status is to support case planning and service provision.

- f. Discuss any conflicts or transitions the family may be facing since being in U.S.
  - g. Assess the need for any individualized services based on the developmental challenges the family is experiencing in their everyday life.
  - h. Provide individualized child welfare documents and forms to individuals with limited English-speaking proficiency (LEP) in the preferred non-English language.
4. When conducting a home visit:
    - a. Observe and respect the family's household rules (i.e. removing shoes and hats upon entering the home, etc).
    - b. Complete a culturally competent environment assessment, only taking action in situations that present harm to the safety and well-being of the children (see Practice Guidance: Environmental Assessment of Immigrant/Refugee Family Homes).
  5. Contact immigrant/refugee-serving community providers currently or previously involved with the family in accordance with policy **19.16 Case Management: Collateral Contact**:
    - a. Determine what services the family has received or is receiving and the duration.
    - b. Request information about other services the provider offers that can meet any identified need of the family.
    - c. Gather information about other immigrant/refugee-serving providers that can meet any identified needs of the family, if the provider is unable to meet the needs of the family.
    - d. Discuss any family cultural norms that the SSCM should be aware of when interacting and providing services to the family.
    - e. Invite the provider to the FTM, if the provider is currently working with the family or could support the family during the FTM, if applicable (see policy **19.3 Case Management: Solution-Focused Family Team Meeting**).
  6. Arrange for individualized services with immigrant/refugee-serving community providers, when available, in accordance with policy **19.17 Case Management: Service Provision**.
  7. Initiate an inquiry to locate parent(s) or legal guardian(s) of a child involved in an open child welfare case who is detained for an immigration violation, by the U.S. Immigration ICE (see Practice Guidance: ICE - Locating a Parent/Legal Guardian in ICE Custody).
  8. When an immigrant/refugee child enters foster care:
    - a. Explain to the family and child the foster care system including the legal requirements, timeframes and their right to seek legal representation to assist them in navigation the process.
    - b. Verify the citizenship or immigration status of the child entering foster care, if not already completed.
    - c. If the child is a foreign national, inform the parent and child (14 years of age and older) of DFCS' obligation to notify the consulate when the court awards DFCS temporary custody.
    - d. Place the child(ren) with a linguistically and culturally matched foster caregiver, when possible, including prioritizing placement with kin caregivers.
    - e. Prepare the foster caregiver, in reference to understanding any cultural differences and needs of the child(ren) being placed in their home:
      - i. Inform the foster caregiver of the language that the child(ren) speak.
      - ii. Discuss customary foods that the children may desire and benefits of partnering with the parents to provide those traditional meals.
      - iii. Discuss any religious beliefs or customs that the child(ren) may hold.

- f. Allow for the family to support the child(ren)'s adjustment to foster care by providing traditional foods, clothing etc. to the child(ren) while in foster care.
  - g. Enter the child's nationality on the Medicaid and IV-E Application along with documentary evidence in Georgia SHINES. If unable to secure the child's nationality documentation, document efforts made to obtain it.
  - h. Notify the closest applicable consulate within 24 hours of a foreign national child entering foster care:
    - i. Locate the contact information in the [U.S. Department of State's Contact Information for Foreign Embassies](#).
    - ii. Call the consulate's office to verify the name of the current Consular, their email address, and fax number.
    - iii. Complete the Consular Notification Form Letter and make the notification via fax or email, if possible, and by telephone if not.
    - iv. Document the notification in Georgia SHINES, the date and time of notification, method of notification, the name of the person to whom the information was provided (if the notification must be made by telephone). Upload into External Documentation a copy of the Consular Notification Form and confirmation of receipt (fax confirmation or sent email).
9. Seek assistance from the consulate, when the child removed from the home is a foreign national and/or the parent(s) is a foreign national, while continuing to provide foster care services:
- a. To identify and locate parents, relatives or fictive kin in their home country who may be considered as a placement for the child and/or a support for the family while the child is in foster care in accordance with policy [19.20 Case Management: Diligent Search](#).
  - b. Request consulate service that maybe available to the child or family regarding the issues being addressed by DFCS.  
**NOTE:** The services provided by the Consulate will vary based on numerous factors, including the foreign country's level of representation in the U.S. and available resources.
  - c. Request assistance with repatriation, obtaining birth certificates, passports or photo ID as needed.
10. When a child enters foster care and their parent or legal guardian is being detained or deported:
- a. Notify the detained immigrant parent or legal guardian as soon as possible of court proceedings.
  - b. Provide timely notification of the court hearing to ICE with reasonable notice to request the detained parent and legal guardian attendance or participation at the hearing by sending a copy of the notification (i.e. notice of hearing, court order) to the ICE Child Welfare Coordinator within 24 hours of receipt of the notice.
  - c. Inform the Special Assistant Attorney General (SAAG) and court the parent or legal guardian is being detained or deported and DFCS is working in partnership with ICE to facilitate the parent's or legal guardian's safe and secure participation in the court proceedings or alternative means for participating in the hearings.  
**NOTE:** The court hearing may need to be rescheduled, to allow for the parent or legal guardian to attend or participate in the hearing.
  - d. Request the court translate notifications and any related documents for a parents or legal guardians with LEP into their preferred non-English language.
  - e. Coordinate with ICE, as applicable, to:

- i. Make appropriate initial placement and transfer decisions for detained parents and legal guardians, when there is juvenile court involvement.
  - ii. Arrange for transportation to child welfare hearings. If transportation is impracticable, identifying alternative means for parents or legal guardians to participate in hearings, such as through video or teleconference technologies.  
**NOTE:** When it is determined by ICE to be impracticable to transport the detained parent or legal guardian to court, request ICE accommodate the detained parent or legal guardian appearance or participation in the court hearing through video or teleconference. If ICE grants the request, the SSCM should request that the SAAG obtain approval from the court for the accommodation.
  - iii. Facilitate parent-child visitation where required by a child welfare authority, when visitation is court ordered, in order for the detained parent or legal guardian to maintain or regain custody of his/her minor children.  
**NOTE:** When the court has ordered parent-child visitation and the permanency plan is reunification verify the court order includes the provisions of the parent-child visitation as outlined in policy **10.19 Foster Care: Visitation**. Submit to the ICE Child Welfare Coordinator a written request to facilitate child-parent visitation and provide a copy of the court order. When the parent or legal guardian is detained in an ICE facility that has no provisions for parent-child visitation, ICE must arrange for parent-child visitation within 30 days of the request. Following, the SSCM should request that the parent or legal guardian be transferred to a facility which will allow parent-child visitation. However, ICE must accommodate the visitation, if transfer is not approved, or until an approved transfer. If face-to-face visitation is not practicable, ICE may permit parent-child visitation through video or teleconferences. Request the SAAG obtain the court approval for such parent-child visits.
  - iv. Transfer the detained parent or legal guardian to an ICE facility that is closer to the physical location of the child.
  - v. Accommodate detained parents' efforts to make care arrangements for minor children in the U.S.
  - vi. Obtain travel documents for detainees' minor children to accompany them to their home country, or to reunite in their home country.
- NOTE:** Provide the ICE Child Welfare Coordinator a copy of all court documents (shelter care order, reunification plan, visitation plan, case plan, court order, or other court documents).
11. Provide a copy of the case plan and any other case related documents to the parent or legal guardian with LEP in their preferred non-English language.
  12. Request a non-citizen identification number when nationality documentation indicates the child in foster care is not a U.S. citizen or the child does not have documentation supporting legal residency. To apply for or obtain further details on social security numbers for non-U.S. citizens, visit [www.ssa.gov](http://www.ssa.gov).
  13. Receive financial support from the child's parent or legal guardian through financial means available to the parent in accordance with policy **9.12 Eligibility: Child Support**.
  14. Determine **within 60 days** of an undocumented immigrant child entering foster care whether reunification with the child's parents or repatriation to the child's country of citizenship is in the child's best interest.
    - a. Staff the case with the Social Services Supervisor (SSS), County Director (CD), Regional Field Program Specialist (FPS), and SAAG prior to petitioning the court for

a non-reunification court order to determine if seeking SIJ status or another immigration status for a child is a viable option.

- b. If it is determined that repatriation is not in the child's best interest, obtain approval from the Region Director (RD) to seek immigration relief for the child (i.e. filing a petition for SIJ Status and Lawful Permanent Resident Status).
- c. Obtain approval from the Region Director to secure the services of an immigration attorney to seek SIJ Status or another immigration status for undocumented immigrant children especially those who:
  - i. Have an expired visa;
  - ii. Are victims of human trafficking;
  - iii. Are within six months of reaching 18 years of age;
  - iv. Are involved in deportation proceedings or were previously deported;
  - v. Are involved in juvenile delinquency proceedings or have juvenile delinquency records;
  - vi. Have criminal records;
  - vii. May have a communicable disease.

**NOTE:** *An immigration attorney cannot be paid with government funds; they may assist on a pro bono basis or be paid with non-government funds.* It may be necessary to seek the assistance of a community based legal services to assist with the SIJ status application and interview process.

- d. When reunification or repatriation is determined not to be in the child's best interest, incorporate immigration status relief issues into the child's case plan goals and assess placement with relatives.
  - e. When filing a termination of parental rights (TPR) for any child in foster care 15 out of the most recent 22 months whose parent(s) or legal guardian(s) is detained or deported, consider compelling reasons that might warrant an exception to TPR filing timelines, including the impact of detention or removal on efforts of otherwise fit parents to maintain connections with their child (see policy **17.11 Legal: Termination of Parental Rights**).
  - f. Obtain approval from the office of the Placement and Permanency Director when considering the following with regard to an undocumented immigrant child in foster care:
    - i. Placing the child with an undocumented immigrant relative placement resource;
    - ii. Petitioning for termination of parental rights (TPR);
    - iii. Requesting a Relative Care Assessment (RCA) on a resource outside of the United States. After consultation with the office of the Foster Care Services Director, submit an International Social Services Request to the State ICPC Unit when the Consulate Office is unable to assist with the RCA on an identified relative resource who lives outside of the United States.
15. When an undocumented immigrant child in foster care approaches 18 years of age:
- a. Develop a transition plan that includes goals to support the child's self-sufficiency upon exiting foster care at 18 years of age, in accordance with policy **13.4 Independent Living Program: Transition from Foster Care**.
  - b. Include the child's Consular official in transition planning activities such as transition planning meetings.

**NOTE:** In accordance with the Georgia Immigration and Security Act, no state or local government funding is available for undocumented immigrant children once they reach 18 years of age unless/until they obtain a legal immigration status. Therefore youth 18-

21 that with undocumented immigration status are not eligible for Extended Youth Support Services (see policy **13.1 Independent Living Program: Eligibility and Enrollment**).

16. Notify the applicable consulate immediately in the event of the death of a foreign national child in DFCS custody at the time of death.

The Social Services Supervisor (SSS) will:

1. Conduct a supervisory staffing as often as necessary, but at minimum monthly to provide guidance and oversight to the SSCM (see policy **19.6 Case Management: Supervisory Staffing**).
2. Ensure that the SSCM respects the culture of the family while establishing case plan goals and providing services to the family.
3. Provide guidance to the case manager to assist them in building rapport with the family when barriers are observed.
4. Ensure professional interpreter services have been assigned to the family by the SSCM, when needed.
5. Provide guidance to the SSCM in cases where a partnership with consulate services must be established.
6. Assist the SSCM in navigating ICE and connecting the immigrant family with their services.
7. Review the case to ensure that the family has been provided resources, services and supports, from service providers who understand their culture and assessed needs prior to case closure.
8. When an immigrant child/refugee enters foster care:
  - a. Ensure that a thorough culturally competent assessment is completed on the child and family whenever a qualifying event occurs.
  - b. Review diligent search efforts and documentation completed by the SSCM for relatives who may or may not have citizenship or legal status in America.
  - c. Guide the SSCM in informing and engaging the consulate of the home country of the immigrant/refugee child timely.
  - d. Assist when needed in the consulates access to a refugee or immigrant child for interviewing purposes if barriers arise.
  - e. Review the Case Plan and Written Transitional Living Plan (WTLP) for an undocumented immigrant child in foster care to ensure that the plan addresses the needs of the child while in foster care and post foster care.
9. Ensure that a timely application is completed for a child(ren) who qualify for special immigration status.
10. Addresses any noticed biases from the SSCM or service provider when working with an immigrant/refugee family during any stage of a child welfare case.

**When seeking SIJ status for an undocumented immigrant child, the SSCM will:**

1. Determine if SIJ or another immigration status is the most appropriate for the child based on the circumstances. (See Legal Services in Practice Guidance)
2. Petition the Juvenile court (before the child reaches 18 years of age) to certify SIJ eligibility via a qualifying court order that includes the following four findings required to certify SIJ status eligibility:
  - a. The child is unmarried and dependent on the court or legally committed to or placed



- under the custody of either a state agency/department or an individual or entity appointed by a state or Juvenile Court. (This can include adoption or guardianship).
- b. Reunification with one or both of the child's parents is not viable due to abuse, neglect, abandonment, or similar basis under state law.
  - c. It would not be in the child's best interest to be returned to his/her country of origin.
  - d. The child is under 21 years old.

**NOTE:** The SAAG may assist in the preparation of the court order but is not authorized to provide immigration status relief services.

3. Complete and sign, on behalf of a child under 14 years of age, *Form I-360 Petition for Amerasian, Widow(er), or Special Immigrant\** to the United States Citizenship and Immigration Services (USCIS). The referral packet should include the following (in the English language):
  - a. Cover letter indicating why the child qualifies as a special immigrant juvenile (SIJ), including a short history of how the child came to be eligible for SIJ status;
  - b. Certified copy of the court order(s) that demonstrate the Juvenile Court's jurisdiction and contain the findings required for eligibility for SIJ status.
  - c. Copy of the child's birth certificate, or two affidavits affirming the child's age, date and place of birth, or other evidence of the child's age;
  - d. Two identical color passport style photographs of the child taken within 30 days of the filing of the petition. For photograph specification see section *What Evidence Must You Submit with Form I-485?* in the *Instructions for Application to Register Permanent Residence or Adjust Status (Form I-485)*.
  - e. Any additional supporting documentation (e.g. letters from doctors or therapists)
  - f. Filing Fee: The filing fee is waived when filing as a Special Immigrant Juvenile.

**NOTE:** It may be necessary to seek the assistance of a community based legal services to assist with the SIJ status application and interview process.

4. Complete and sign, on behalf of a child under 14 years of age, *Form I-485 Application to Register Permanent Residence or Adjust Status\**. The application must be filed with the following supporting documents:
  - a. Criminal History, if applicable
  - b. Birth certificate
  - c. Two identical color photographs of the child taken within 30 days of the filing of the application. See Photographs in Practice Guidance for specifications.
  - d. Biometric Services
    - i. If between the ages of 14 and 79, applicants must be fingerprinted as part of the USCIS biometrics services requirement.
    - ii. After the application is filed, USCIS will notify the applicant in writing of the time and location where the fingerprinting is to take place.
    - iii. Failure to appear to be fingerprinted or for any other biometric service appointments may result in a denial of the application.
  - e. Medical Examination:
    - i. Submit a medical examination report on *Form I-693 Report of Medical Examination and Vaccination Record\**.
    - ii. The medical examination must be completed within 12 months of the date of the medical examination report.
  - f. Form G-325 A Biographic Information Sheet\*
  - g. Evidence of eligibility: Submit a completed SIJ petition (Form I-360)\* that if approved will make a visa number immediately available to the youth.
  - h. Filing Fee:

- i. Filing fees change periodically. To ensure you have the current filing fee, visit [www.uscis.gov](http://www.uscis.gov), select “Forms Filing Fees”, and verify the current fee); or
  - ii. A fee waiver may be requested using *Form 912 Request for Fee Waiver*\*  
When requesting a fee waiver, clearly demonstrate an inability to pay the fee, identify all fees the child is unable to pay and explain why the child has no income (e.g. child is in the legal custody of someone other than one of his/her parents). For further guidance on fee waiver requests, visit the USCIS website at [www.uscis.gov/feewaiver](http://www.uscis.gov/feewaiver)
5. Submit the *Form I-360 Petition for Amerasian, Widow(er), or Special Immigrant*\* and the *Form I-485 Application to Register Permanent Residence or Adjust Status*\* together. If the *Form I-360*\* is approved (granting SIJ status), the child is allowed to immediately apply for Lawful Permanent Resident (LPR) with the *Form I-485*\* that was concurrently submitted. If the *Form I-485*\* is filed separately, at a different time than the *Form I-360*, the SSCM must include a copy of *Form I-797C Notice of Action*\* confirming that the *Form I-360*\* was accepted by USCIS.
  6. Refer to the USCIS National Customer Service Center at 1-800-375-5283 for the most updated information on where to file for the SIJ status application. Also refer to the following websites for additional information regarding filing:  
<http://www.uscis.gov/i-360-addresses>.  
<http://www.uscis.gov/forms-filing-tips>,  
<http://www.uscis.gov/sites/default/files/files/form/i-360instr.pdf>.  
(See Legal Services in Practice Guidance regarding use of community based legal services to assist with the application and interview process.)
  7. Ensure the child attends all USCIS appointments
    - a. Biometric services appointments (i.e. fingerprinting and photographs) for children 14 years of age and older; USCIS will mail the applicant an appointment notice for fingerprinting.
    - b. Interview(s) with the USCIS officer. It may be helpful for the child to prepare for the interview in advance with an immigration attorney.
  8. Provide any additional information or documentation requested by the USCIS.
  9. If SIJ status is granted, ensure the following:
    - a. The Medicaid and IV-E application is submitted to Rev Max with a copy of the USCIS approval letter indicating the adjusted status type and effective date.
    - b. The immigration status adjustment is documented on the applicable detail page Georgia SHINES.

**NOTE:** Forms and filing fees change periodically. To ensure you are using the latest version of a form, visit the USCIS Web site at [www.uscis.gov/forms-information](http://www.uscis.gov/forms-information). For more information regarding the latest filing fees view *Form G-1055 Fee Schedule*\* at [www.uscis.gov/fees](http://www.uscis.gov/fees).

## PRACTICE GUIDANCE

Immigrants are a diverse group that includes foreign-born adults, youths and children who together with second generation immigrant children, constitute the fastest-growing segment of the U.S. population. The U.S. Department of Health and Human Services categorizes immigrants as foreign-born, including refugees, undocumented and documented individuals, foreign-born children and second-generation immigrants. Most immigrant families function well in the U.S. and never come in contact with the child welfare system. But when they do, depending on their country of origin, generational and legal status, reason for emigration, and

immigration and resettlement experiences, it may be especially challenging to untangle the range of factors that may impact the family's protective capacity. In addition, the immigration experience may contribute to a number of individual, family and systemic issues, including but not limited to:

1. Language and cultural barriers
2. Loss of the extended family, friends and community and the validation and support they provided
3. Fear of government authority, based on experience in the country of origin
4. Socioeconomic stress during resettlement, caused by poverty, housing problems, social isolation, employment issues (unemployment/underemployment)
5. Discrimination in the community or workplace
6. Lack of awareness of and access to culturally specific services
7. Barriers to health care services
8. Physical and mental health issues within the family
9. Parent-child conflict stemming from value clashes (i.e. conflicts over how much of the new country's norms the children adopt, especially girls)
10. The loss of an ideal realizing that life in the U.S is far different from what they expected

The challenges of assessing an immigrant/refugee family in a child welfare context, is similar to that of any other family involved in the child welfare system. However, there are additional considerations as customs and beliefs about parenting and child behavior differ among families, populations and cultures, even within cultures. In addition, the immigrant's/refugee's country of origin may lack national laws or policies on child maltreatment or have a child welfare system that responds to child maltreatment concerns. Consequently, some immigrant/refugee families may have differing, no experience of or contextual lens for understanding child welfare services. Therefore, when assessing child maltreatment, demonstrate genuine empathy and care, provide information about the child welfare system and processes, really listen and hear the experiences, hopes and challenges the family may have faced, and understand the stressors impacting the family.

### **Country of Origin**

The country of origin is the country from which a person originally comes. The country of origin can often provide important clues to the families' social, cultural, political and familial norms and values. However, it is important to remember that each country has enormous diversity, in terms of language, faith, mores, values, and political beliefs among and within groups.

### **First Generation Immigrant**

A first-generation immigrant is a person that has directly come to live in the U.S from a foreign country. Most first-generation immigrants come to the U.S. with little to no family connections or supports in the U.S. Many face challenges as they begin to navigate a new country and try to live within the laws and policies that govern it. While some first-generation immigrants may speak English, many do not. Most first generation immigrant families face traumas and great loss while migrating to a new country which at times can impact their parenting, trust of the government and interactions with others.

### **Second Generation Immigrant**

A second-generation immigrant is a person born in the U.S. with at least one foreign-born parent. Most second-generation immigrants speak English as well as the language of their country of origin. Some may hold dual citizenship in U.S. and their country of origin. Second

generation immigrants may struggle in the U.S. as they try to embrace the culture of the U.S., while also embracing the culture of their parents. Children that are second generation immigrants often experience a home life much like their parent's country of origin while experiencing U.S. culture outside of the home. This can cause friction in the home as the second-generation immigrant youth, may connect more to U.S. culture than a first-generation immigrant parent. Their viewpoints may be different due to the opportunities and access to information that the second-generation immigrant may have compared to their parents. Second-generation youth may find it difficult to fit in at school and experience socialization issues. Some may experience bullying by peers that do not understand their culture.

## Refugees

A refugee as defined by the United Nations as someone who has been forced to flee his or her country because of persecution, war or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. Most likely, they cannot return home or are afraid to do so. War and ethnic, tribal and religious violence are leading causes of refugees fleeing their countries. When refugees flee their own country and seek sanctuary in the U.S., they apply for asylum – the right to be recognized as a refugee and receive legal protection and material assistance. An asylum seeker must demonstrate that his or her fear of persecution in his or her home country is well-founded. Office of Refugee Resettlement (ORR) provides time-limited services designed to facilitate refugees' successful transition to life in the U.S. and help them to attain self-sufficiency.

## Classification of Immigrants in the United States

1. **Naturalized Citizen:** A person born outside of the U.S. who is granted citizenship through the naturalization process.
2. **Lawful Permanent Resident:** Non-citizens who are granted permission to permanently live and work in the U.S.
3. **Refugees:** Non-citizens who are granted permission to live in the U.S. because of a well-founded fear of persecution in their country of origin.
4. **Undocumented Immigrants:** Have no lawful immigration status in the U.S. and have either:
  - a. Entered the U.S. illegally
  - b. Stayed past a visa expiration date; or
  - c. Engaged in activities outside their visa status.

## Verifying Immigration Status

The SSCM should routinely verify the immigration status of each family as part of the assessment. Obtaining this information on every case would will reduce concerns about discrimination based on national origin or ethnicity. Moreover, gathering this information is the most effective way to ensure compliance with consular notification requirements. Whenever possible, verifying of immigration status should be accomplished using documentary evidence. A driver's license issued in the U.S. will not normally provide information sufficient to indicate whether the license holder is a U.S. citizen. Nor does the fact that a person has a social security number indicate that the person is necessarily a U.S. citizen.

A U.S. citizen may present as verification:

1. U.S. Birth Certificate
2. U.S. Passport
3. Hospital Certificate or Baptismal Certificate

A foreign national may present as verification of their immigration status or nationality:

1. Foreign Passport
2. Naturalization Certificate (N-550 or N-570)
3. Certificate of Citizenship (N-560 or N-561)
4. Permanent Resident Card ("Green Card" or I-551)
5. Consular Identity Card
6. Other form of immigration documentation.

If the person presents a document that indicates birth outside the U.S. or reports to have been born outside the U.S., he/she may be a foreign national. Most, but not all, persons born in the U.S. are U.S. citizens; most, but not all, persons born outside the United States are not U.S. citizens, but a person born outside the U.S. whose mother or father is a U.S. citizen may be a U.S. citizen, as will a person born outside the United States who has become naturalized as a U.S. citizen.

### **Consulate**

For the purposes of consular notification, a consular officer is an official of a foreign government accredited by the U.S. Department of State and authorized to provide assistance on behalf of that government to that government's citizens in another country. Consular officers are assigned to consular posts (i.e. consulates) that have responsibility for consular districts, which are geographic areas. In cases of doubt, notify the nearest consulate. If it is not the consular officers who would actually provide consular assistance, they will be in a position to ensure that the proper consular officers are notified. The Vienna Convention on Consular Relations (VCCR) established the provisions for obligations between the U.S. and other countries with respect to the treatment of foreign national minors and the performance of consular functions, including notification to consular officers when a foreign national child is involved in a legal proceeding related to protective custody or guardianship. The VCCR expressly recognizes that consular notification of guardianship procedures is not intended to interfere with such procedures. At minimal, consular officers should be permitted to participate in custody/guardianship proceedings if they so choose and should be permitted to present their views, either orally in writing, to the court or DFCS. Legal proceedings should not be delayed unless consular officers have expressed an interest in the case and the court or DFCS determines that delaying the proceedings to permit consular officers an opportunity express their government's views or to provide assistance is in the best interests of the foreign national. Consular officers are in a unique position to assist courts and DFCS in determining what is in the best interests of a foreign national child. Consular officers may be able to:

1. Help locate family in the United States or in the foreign national's country of origin that may be authorized to act as the individual's guardian or be willing to take on that role.
2. Facilitate communications between the foreign national and his or her family.
3. Help point out cultural differences that may be relevant in determining the foreign national's best interests.
4. Obtain and authenticate relevant documents, such as medical or school records, in the foreign national's country of origin.
5. Arrange for legal representation for the foreign national.

### **Foreign National**

For the purposes of the consular notification a foreign national is any person who is not a U.S. citizen. A foreign national child includes non-U.S. citizen children and U.S. citizen children who

have dual citizenship in a parent's country of origin. Lawful permanent resident aliens, who have a resident alien registration card (Department of Homeland Security Form I-551), more commonly known as a "green card," are not U.S. citizens. They retain their foreign nationality and must be considered foreign nationals for the purposes of consular notification, no matter how long he/she has lived in the U.S. A child who is not a U.S. citizen, but who is a citizen or national of two or more other countries, the consular officers of both countries will need to be notified.

### **Interpreter Services**

Families and children should be provided with a professional interpreter, if necessary, to allow them to participate fully in services. An interpreter may therefore be needed at any stage from intake through to case closure. Interpreters are trained and accredited professionals who provide the service of interpreting in situations where:

1. The family or child may speak no English at all
2. English is not the first language of the family or child
3. The family or child may be hearing impaired

The SSCM should request an interpreter or offer the family or child the option to have an interpreter present in every instance where there may be some doubt as to whether the family or child can communicate competently and understand everything that is being said. The role of the interpreter is simply to interpret exactly what is being said between SSCM and the family and child; the interpreter does not perform any other function such as advocacy. The use of an interpreter can add an extra layer of complexity. Therefore, planning is essential to ensure that in all information is communicated effectively and clearly.

1. Be prepared to spend more time with the family, possibly twice as long. If there are documents that require translation plan for additional time.
2. Schedule to have an interpreter of the same gender as the individual you wish to interview, when possible. This is especially important if the topic is a sensitive one, such as sexual victimization
3. Arrange to meet with the interpreter prior to having contact with the family or child:
  - a. Provide the interpreter with an explanation for the contact, who may be present, and the purpose of the contact for example, to gather information or to conduct an assessment.
  - b. Remind the interpreter to report all information and refrain from censoring content, including psychotic, profane or sexual content through embarrassment or a desire to protect the family.
  - c. Provide the interpreter any highly technical words or phrases, abbreviations, acronyms, etc. they will need to explain to the family or child (i.e. HIPAA, shelter care order, permanency planning).
4. Suggest a seating arrangement to promote conversation with the interpreter at the SSCM's side so both directly face the client so that the client maintains contact with both the SSCM and the interpreter.
5. Address the family or child directly, even if he/she/they does not understand English.
6. Speak slowly and clearly. Use short and simple sentences, pausing for the translation.
7. Use active listening skills to ensure the individual understands the questions.
8. Avoid expressions, such as "cut from the same cloth" etc., and jokes.

The informal practice of relying on bilingual neighbors, ethnic based organizations, or family members as interpreters is not recommended as it violates confidentiality. In addition,

untrained interpreters may consciously or unconsciously filter or censor what is said or provide inaccurate information. It is also not appropriate to have the alleged victim child interpret for a parent who is suspected of abuse or neglect, creating the risk of additional trauma for the child.

### **A Family's Story**

A family's story which is inclusive of their journey to a new country is important to assess and understand. Understanding a family's journey from their country of origin to the U.S. can provide a wealth of insight and knowledge about a family's culture, traumas, history, supports, triumphs and resources. The journey to U.S. may look different for each family or even each family member, so it's important to allow the family to discuss and detail what their journey was like. A family's story can provide an understanding of not only how the family functions but why the family functions in the way that it does, including each member's role, family structure, norms within that familial structure and communication patterns. A family's story can help you identify trauma that the family may have experienced. As a family shares their intimate story, it may resurface feelings of hurt, regret and anger. Be patient and empathetic and express your gratitude to the family for sharing their story. A family's story can assist us in providing services that are culturally sensitive and appropriate to the needs of the family, such as integrating intervention approaches that address both current challenges and trauma history that will be more effective. Failure to understand traumatic experiences may lead to negative outcomes and potential misinterpretations due to differences in culture and background factors (i.e. diagnosing a child with trauma related symptoms with attention deficit hyperactivity disorder (ADHD) or opposition defiant disorder (ODD) or labeling parents with traumatic experiences as uncooperative and unwilling).

### **Developing Cultural Competency**

Cultural competency is defined as "the ability of individuals and systems to respond respectfully and effectively to people of all cultures, classes, races, ethnic backgrounds, sexual orientations, and faiths or religions in a manner that recognizes, affirms, and values the worth of individuals, families, tribes, and communities, and protects and preserves the dignity of each (Standards and Indicators for Cultural Competence In Social Work Practice, National Association of Social Workers, 2015). To develop cultural competency practice, cultural research should be conducted to aid in bridging the gap between what one understands, knows, and thinks about other cultural norms and values. Understanding and learning about other cultures fosters respect for others, and the ability to value diversity and differences. There are four components to cultural research:

1. Review reputable articles, studies or news, when the SSCM is unfamiliar with the family's or child's country or origin, culture or norms, or religious beliefs when the SSCM has been assigned to work with an immigrant/refugee family.

**NOTE:** While there may be trends or cultural traits common to some, not all families of similar cultural backgrounds share the same traits, beliefs, or values.

2. Examine your own cultural backgrounds and identities to increase awareness of one's own assumptions, values, stereotypes, and biases that may influence the relationships and style of communication with the immigrant/refugee family or child.
3. Address any identified bias. When a bias has been identified, reflect on the situation that precipitated the bias and discuss it with one's supervisor for assistance.

**NOTE:** A bias is a prejudice in favor of or against one thing, person, or group compared with another, usually in a way that is considered unfair. Our life experiences, beliefs, and value systems shape our biases. Unrecognized and unacknowledged biases can also create barriers to the relationship process.

4. Ask the family or child to obtain specific knowledge about the family or child being served, including:
  - a. Traditions, values, and family systems
  - b. Immigration and refugee status and resettlement patterns
  - c. Tribal group
  - d. Religion and/or spirituality belief systems
  - e. Social economic background/social class
  - f. Family roles and responsibilities
  - g. Child rearing practices
  - h. Any factors associated with acculturation and assimilation.
  - i. Identifying institutional barriers that prevent the family or child from accessing services (i.e. lack of governmental trust)

**NOTE:** Families should be viewed as unique and experts on their cultures, norms and traditions. Cultural research cannot be conducted without engaging a family about their culture and how it influences their life. Each family is comprised of individuals who have their own cultural identities and are not representation of their entire race or culture.

Cultural competency cannot be achieved by attending trainings or conducting research. It is a dynamic process that evolves over time, as cultures are not static but always changing. It is a commitment to practicing cultural sensitivity, an awareness that cultural differences and similarities between people exist without assigning them a value. When practicing cultural competence, one adapts their communications and behaviors to other cultural norms that allows for effective interactions. The result is empathy instead of judgement.

### **Addressing Lack of Governmental Trust**

Many immigrants/refugees do not trust government agencies. They may have left countries with harsh authoritarian regimes or corrupt government agencies. As a result, they may not seek help or participate in services required for reunification. To facilitate a trusting relationship with the family the SSCM must:

1. Explain the role of DFCS and the importance of working together and trusting each other in this process.
2. Build consensus with the family regarding what must occur in order address safety concerns.
3. Be honest and clear with the family in meetings with as well as in preparation for court.
4. Never promise the family things that cannot be delivered to them, as this lead to mistrust of the SSCM and the agency.
5. Provide full disclosure with the family at the onset of the case.
6. Allow the family to ask questions and gain as much clarity as possible around expectations and processes.

### **Child Rearing Cultural Differences**

Many immigrant/refugee families' interactions with child welfare are the result of culturally different approaches to child rearing (including childcare) and intergenerational conflict. Some cultures expect that elders should never be challenged or contradicted, and some accept or even promote corporal punishment as a discipline technique. However, even within the same culture parents may disagree about what is viewed as acceptable forms of discipline. The SSCM should ask each parent or legal guardian about discipline practices, as part of the assessment. In a culturally sensitive manner, ask questions about beliefs, expectations around child behavior and physical discipline. Take the time to acknowledge their child rearing customs and traditions but be sure to address any unsafe behaviors and work together to



resolve the problem. The SSCM must be able to clearly differentiate between cultural differences and unsafe situations to ensure to only intervene when necessary. For example, a “strict” parent who doesn’t allow their child to participate in leisure activities or a father who cuts their daughter’s hair for talking to a boy, may have a culturally based parenting differences but not unsafe situations. The goal is not to force immigrant/refugee parents to adapt to U.S. parenting practices but to ensure children are not in unsafe situations.

Parents in immigrant/refugee families may also have different views of childcare than that of the U.S. Keeping a child home from school to look after a sick sibling or having a young child provide supervision for younger siblings or non-family members, are practices that might be acceptable, that may place their child(ren) at risk of being unsupervised. The immigrant/refugee parents may not understand acceptable child supervision practices in the U.S. The SSCM should ask each parent or legal guardian about child supervision, as part of the assessment. Address any identified supervision issues and discuss childcare options that can assist the family in providing appropriate supervision of their children.

### **Health Needs/Insurance**

For traditional and economic reasons, many refugee and immigrant parents seek health care from indigenous or homeopathic health providers prior to seeking treatment from U.S. healthcare professionals. Traditional healing practices often do no harm a child being treated, but any practice that leaves bruises, burns or other injuries that may be considered physically harmful should be addressed. The SSCM should make an effort to understand the cultural context for such practices, while educating families about the risk of injuries. Immigrants/refugees who hold low paying jobs often do not have the option of employer-sponsored health insurance and cannot afford to pay the cost of private health insurance. Because of linguistic and other barriers, information that is readily available to U.S. born parents doesn’t reach many immigrant/refugee families and they may not be aware of subsidized child health insurance programs. If they are aware, they may not know how to contact these organizations. If they can contact these organizations, they may fear enrolling their child will threaten their own immigration status or naturalization application. When there is an identified medical need and/or the family lacks health insurance, partner with the family and immigrant/refugee-serving providers to address the medical needs. When applicable, assist the family in navigating and applying for health insurance.

### **Advocacy**

Advocating for immigrant/refugee families helps to build trust and partnership between the SSCM and the immigrant family. It also helps to empower them to advocate for themselves. Often the reason for child welfare involvement (inadequate housing, educational neglect) can be resolved by simply advocating on behalf of the family. A landlord who has been unresponsive to the immigrant/refugee family’s repair request which place the child at risk, maybe willing to complete repairs once the SSCM advocate for the family and informs the landlord of their legal requirements. In addition, some immigrant/refugee families are unaware of available services or benefits. When the services can benefit the family, the SSCM should advocate for the family with the school systems for their children or mental health service needs for parents or children. Advocacy can also come in the form of education or providing insight to individuals/organizations involved with the family about the immigrant/refugee families culture to help them understand their actions/behaviors. Advocating for all families ensures that we treat all of our families with respect and value.

## **Environmental Assessment of Immigrant/Refugee Family Homes**

Immigrant/refugee families may live differently than their U.S. counterparts. Any identified environmental issues in the home must be tied to child safety and not a preference or a certain standard of living. Some immigrant families live in homes occupied by multi-family units, inclusive of uncles, aunts, cousins, in-laws and grandparents. A home that may seem overcrowded, may not pose a safety issue for children; Many times, it allows for extra supervision for the child and supports for the child and family. When assessing the home of an immigrant/refugee, the SSCM should respect cultural norms like room sharing so long as it does not pose a risk to the child's safety or well-being. Some immigrant families may have limited furniture as a preference or even due to financial constraints, the SSCM should not consider this a safety concern. Home hazards that pose a safety threat to the child such as broken windows, exposed wires, holes in the flooring or unsafe sleeping arrangements including co-sleeping with infants, must be addressed and resolved.

## **U.S. Immigration Customs Enforcement (ICE)**

The ICE is a federal agency. Its mission is to promote homeland security and public safety by enforcing U.S. federal criminal and civil laws concerning border control, customs, trade, and immigration. In 2017, ICE issued the Detention and Removal of Alien Parents or Legal Guardians (Detained Parents Directive) which directs ICE personnel to remain cognizant of the impact enforcement actions may have on LPR or U.S. citizen minor children. The Detained Parents Directive contains several elements related to the operations of ICE's handling of cases involving parents and legal guardians of minor children, and particularly focuses on undocumented immigrants involved in family court or child welfare proceedings. See Forms and Tools: Removal of Alien Parents or Legal Guardians (Detained Parents Directive) for a complete list of elements. These elements include, among others:

1. Designating a specific point of contact within each field office for matters involving detained parents;
2. Promoting complete entry of relevant case information into ICE's data and tracking systems;
3. Developing processes to regularly identify and review cases involving parents and legal guardians of minor child(ren);
4. Determining initial detention placement and transfer decisions;
5. Facilitating court participation in family court or child welfare proceedings;
6. Facilitating regular parent-child visitation and communication; and
7. Coordinating care or travel of minor child(ren) pending removal of a parent or legal guardian.

### Locating a Parent/Legal Guardian in ICE Custody

Utilize the Online Detainee Locator System (ODLS) to search for an individual in ICE custody. The ODLS is a public system available on the internet that allows family members, legal representatives, and members of the public, to locate persons who are in ICE detention.

1. Go to [www.ice.gov/locator](http://www.ice.gov/locator)
2. The best way to search the system is to use the persons A-Number and country of birth.  
**NOTE:** The A-Number is the nine-digit identification number that is assigned to a person who applies for immigration benefits or is subject to an immigration enforcement action.
3. If you do not have the persons A-Number, you can search the system using the persons first and last name and country of birth.
4. In addition to the A-Number, input the persons country of birth.

5. The ODLS performs an “exact match” search. In order to find someone using the ODLS, you need to have the persons A-Number or his first and last name as it appears on his detention record.

If you cannot locate a parent/legal guardian who has been detained by ICE using the ODLS, or the parent is a minor parent under the age of 18, contact the ICE Enforcement Removal Operations (ERO) field office where the immigration enforcement case was initiated. Contact information is available on the ICE’s [Contact ERO page](#)

### **Special Immigrant Juvenile (SIJ)**

Special Immigrant Juvenile (SIJ) classification is granted for purposes of obtaining relief for a child from abuse, neglect or abandonment. A child that may qualify for SIJ classification is one who is under the jurisdiction of a juvenile court as a result of abuse, neglect or abandonment, cannot be reunited with their parent or legal guardian, and for whom return to their country of nationality is not in their best interest. If SIJ classification is granted a child may qualify for lawful permanent residency. If sought, SIJ classification needs to be obtained while the child is still under the jurisdiction of the Juvenile Court. SIJ classification should not be sought for immigrant children who have a verified immigrant status (i.e. refugee, asylee, permanent resident, etc.). In some cases, children may need to obtain SIJ classification prior to turning 18 years of age to access certain benefits (e.g. federally funded foster care). To be eligible for SIJ status:

1. The child must be under 21 years of age on the filing date of *the Form I-360 Petition for Amerasian, Widow(er), or Special Immigrant\**.
2. The child must be unmarried.
3. A qualifying Juvenile court order must be in effect on the filing date of the *Form I-360\** and when the USCIS makes a decision on the application, unless the child “aged out” of the court’s jurisdiction due to no fault of his/her own.
  - a. The court order must be detailed and include the factual basis for the findings on parental reunification, dependency or custody, and best interests. It must be clear the court order was sought primarily for the purpose of child protection rather than primarily to obtain an immigration benefit.
  - b. Alternatively, a child may submit separate findings of fact, records from the judicial proceedings, or affidavits summarizing the evidence presented to the court.
4. The child must be inside the United States at the time of filing the *Form I-360\**.

One applies for SIJ classification by filing the *Form I-360 Petition for Amerasian, Widow(er), or Special Immigrant\** and supporting documents with the United States Citizenship and Immigration Services (USCIS), the federal agency solely responsible the administration of benefit applications. Approval of the *Form I-360\** by the USCIS confers SIJ classification but does not confer permanent residency. In fact, a child with SIJ classification must take additional steps in order to obtain LPR classification (also known as getting a Green Card). However, once a child is granted SIJ status, he/she is eligible to immediately apply for LPR status and work authorization. One can also apply for the LPR classification at the same time as with the application for SIJ classification. One applies for LPR classification by *filing Form I-485 Application to Register Permanent Residence or Adjust Status\** and supporting documents. If possible, Form I-485 should be filed at the same time as *Form I-360\**. *Form I-485\** must be filed and approved in order to obtain LPR classification, which is a key step towards U.S. citizenship. Without obtaining LPR classification, undocumented immigrant children may not be eligible to work legally, attend college, or qualify for most state and federal benefits. The parent(s) of a Special Immigrant Juvenile may not receive any immigration benefit based on

the relationship to the juvenile.

### **Legal Services**

The SAAG and the DFCS Legal Services office are available for consultation regarding cases that involve undocumented immigrant children, but they are not authorized to represent the child in any manner in this process. Due to the intricate nature of the U.S. immigration system, it may be necessary to consult an outside attorney who specializes in immigration law. However, no government funds may be used to pay for the services of an immigration attorney. The United States Department of Justice has made a list of qualified organizations and attorneys who provide free legal services available at <http://www.justice.gov/eoir/probono/states.htm>. The list is maintained by the Office of the Chief Immigration Judge (OCIJ). Please be advised that the Executive Office for Immigration Review (EOIR) does not endorse any of the organizations or attorneys on the list. In addition, the EOIR does not participate in, nor is it responsible for, the representation decisions or performance of the organizations or attorneys on the list. In addition, other community-based organizations may have free and/or reduced legal services to assist with immigration needs.

### **Deferred Action for Childhood Arrivals (DACA)**

DACA allows certain individuals, who meet specific guidelines, to request consideration of deferred action from the U.S. Citizenship and Immigration Services (USCIS). Individuals who receive deferred action will not be placed into removal proceedings or removed from the U.S. for a specific period of time unless terminated. Individuals receiving deferred action may be eligible for employment authorization. Individuals are eligible for DACA if they meet all of the following criteria:

1. Were under the age of 31 as of June 15, 2012.
2. Came to the U.S. before reaching their 16<sup>th</sup> birthday.
3. Have continuously resided in the U.S. since June 15, 2007, up to present time.
4. Were physically present in the U.S. on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS.
5. Had no lawful status on June 15, 2012.
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the U.S.
7. Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

### **Violence Against Women Act (VAWA)**

The VAWA permits an abused (domestic violence, battery and extreme cruelty) undocumented spouse or child of a U.S. citizen or lawful permanent resident to self-petition for a legal resident card without the cooperation of the abuser. An undocumented child can receive VAWA benefits even if he or she was not abused, as long as the child's parent qualifies for VAWA due to abuse. Requirements for VAWA:

1. An undocumented child abused by a U.S. citizen or lawful permanent resident parent.
2. An undocumented person abused by a U.S. citizen or lawful permanent resident spouse.
3. An undocumented child (whether abused or not) of a parent who was abused by a U.S. citizen or permanent resident spouse.
4. The undocumented child resided at some point in time with the abusive U.S. citizen or lawful permanent resident parent, in or out of the U.S.

## **Unaccompanied Alien Child (UAC)**

An unaccompanied alien child is a child who has no lawful immigration status in the United States; has not attained 18 years of age; and with respect to whom, there is no parent or legal guardian in the U.S., or no parent or legal guardian in the U.S. is available to provide care and physical custody. Generally, there is little interaction between unaccompanied children and the traditional state foster care system while children are in U.S. Department of Health and Human Services (HHS) care. Any allegations of abuse after a child is released from HHS care are reported through the state's child welfare system which in turn is responsible for investigating and following up on the allegations, just as with other reported allegations for other children and families in the state.

### **FORMS AND TOOLS**

[Georgia Program and Services Directory - Office of Refugee Resettlement](#)

[Detention and Removal of Alien Parents or Legal Guardians \(the Directive\)](#)

[ICE Enforcement and Removal Operations \(ERO\) Field Offices](#)

[ICE ERO Contact Form](#)

[ICE Policies and Procedures Involving Detained Parents and Legal Guardians – Fact Sheet](#)

[ICE Procedures for Requesting a Detention Facility Tour and/or Visitation](#)

[Immigrant Services Directory – American Civil Liberty Union](#)

[MOU - The Consulate General of Mexico and DFCS](#)

[Refugee Program - DFCS](#)

[SIJ Brochure](#)

[SIJ Information for Child Welfare Workers - Brochure](#)

[USCIC - Special Immigrant Juveniles](#)

[USCIC - I-360, Petition for Amerasian, Widow\(er\), or Special Immigrant](#)

[USCIC - I-485, Application to Register Permanent Residence or Adjust Status](#)

[USCIC - I-693, Report of Medical Examination and Vaccination Record](#)

[USCIC - I-912, Request for Fee Waiver](#)

[USCIC - G-325A, Biographic Information](#)

[U.S. Department of State's Contact Information for Foreign Embassies](#)