Policy: Citizenship or Residency for Immigrant Children who are Dependents

ChildNet Number: CN 004.021
Original Approved Date: September 12, 2007
Policy Revised Date(s): November 23, 2009
Policy Sunset Date:
COA Standard(s): none

Statement of Policy:

ChildNet policies and procedures are to be equally applied to all children under our supervision without regard to alienage or immigration status except where alienage or immigration status is explicitly referred as a limitation under state or federal laws. In those instances where the law mandates that specific action be taken in light of a child's alienage or immigration status, including but not limited to those provisions relating to refugee unaccompanied minors and citizenship, ChildNet will ensure that appropriate actions are taken such that the best interest of the child is timely met.

Board Chair's Signature: _____ **Date:** _11-15-10_

Procedure: Citizenship or Residency for Immigrant Children who are Dependents

ChildNet Number: CN 004.021
Original Approved Date: September 12, 2007
Procedure Revised Date(s): November 23, 2009, March 20, 2018
Procedure Sunset Date:
COA Standard(s): none

Definitions (If any):

A. "U.S. Citizen" – Anyone born in the United States or Puerto Rico or an individual who has obtained citizenship through naturalization.

B. "Refugee Unaccompanied Minor" – A person who has not yet attained 18 years of age who entered the United States unaccompanied by and not destined to (a) a parent or (b) a close non parental adult relative who is willing and able to care for the child or (c) an adult with a clear and court-verifiable claim to custody for the minor child.

C. "Immigration Case Client" – Any child who is not a United States Citizen, under the jurisdiction of the juvenile court and supervision of ChildNet, for which a determination is made that it is in the best interest of the child, as determined by ChildNet or its designee, to have a permanency plan which will include remaining in the United States.

D. "Child Advocate" – The ChildNet staff member who coordinates all services rendered to the child or family who serves as the single and continuous point of contact for the child and family from entry into the child protection system until exit from the child protection system.

Statement of Procedure:

I. Upon a child entering care, inquiry is to be made as to the child's citizenship and, if not a citizen of the United States, as to the child's legal basis for residing in this country, if one exists (i.e. PRUCOL, Legal Permanent Resident, Asylee, Visa, etc.) Until resolved, the child advocate or designated staff shall report the status of the inquiry, at a minimum, at the initial intake, monthly supervisory reviews, and all related case staffings.

II. If it is determined that the child meets the criteria of a refugee unaccompanied minor, the child advocate shall immediately staff the case with the supervisor and a ChildNet attorney for review of the case to ensure compliance with legal requirements of the Federal Refugee Resettlement Program (see 45 CFR 400, et al)
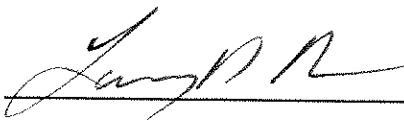
III. When a child is not a citizen of the United States, the Child Advocate will assess whether it is in the child's best interest to pursue U.S. citizenship (see 39.5075 FS). This determination is to be reviewed and approved by the child advocate supervisor; the final determination and the basis for this decision are to be documented in case plan. When a determination is made that a child in our care is not a U.S. citizen and it is in their best interest to pursue U.S. citizenship, the child has been identified as an immigration case client.

IV. Once a child has been identified as an immigration case client, the following process shall be followed to ensure the child has access to the legal assistance needed:

1. The Child Advocate is to make a referral to the contracted immigration attorney. The referral shall contain the referral packet, along with copies of the following documents: birth certificate, immigration documents (i.e., passport, residency card), Disposition Order, Best Interest Order (where applicable), and criminal record check. Originals of all documents submitted shall be kept in the child's case file until needed for the immigration case to proceed.

2. In those cases of a child who is adjudicated dependent and has a case plan goal which is not reunification; the Child Advocate shall request the Office of the Attorney General to obtain a "Best Interest Order" for a

   Special Juvenile Immigrant Status (SJIS) petition. Due to the legal requirement that a SJIS application must be filed within sixty (60) days of the date of a Best Interest Order, the Child Advocate shall provide within five (5) working days of the entry of the Best Interest Order, the referral packet and required documents, as stated in paragraph 1, to the immigration attorney.

3. Once the referral has been made, the immigration attorney will issue a letter acknowledging receipt of the referral within five (5) business days to the assigned Child Advocate. Included in this letter will be a list of documents which may need to be prepared by the Child Advocate for the immigration process.

4. All interviews with the immigration attorney will be scheduled with the Child Advocate, who must indicate if a translator will be needed, so that the immigration attorney may ensure a translator is present at their office for the interview with the child. The Child Advocate is responsible for arranging for ChildNet to have someone who is able to translate present at the court proceedings. Child advocate is to accompany the child to all attorney/client appointments, court appearances, administrative bodies, or any other appearance for immigration purposes.

5. The Child Advocate will be contacted by the immigration attorney, within five (5) working days, to schedule an intake interview. It is the responsibility of the Child Advocate to respond to the immigration attorney's request within five (5) working days. The interview with the immigration attorney should take place within one (1) month from the date of the scheduling of the interview.

6. In the event the Child Advocate must cancel the intake appointment, forty-eight (48) hours' notice is required. In a case where a cancellation is not foreseeable, notice must be provided as soon as possible and the Child Advocate must make sure that the child is present at the rescheduled appointment.

7. Upon the immigration attorney's request, the Child Advocate shall ensure all necessary supporting documentation has been obtained and provided, including but not limited to: birth certificates (originals, if applicable), passports from appropriate authorities (originals, if applicable), residence photographs, fingerprints, medical examination by a USCIS certified physician, certified copies of criminal records, and psychiatric records where needed. Further, the Child Advocate shall ensure that the fees associated with filing of the immigration case are provided to the immigration attorney. The Child Advocate is to obtain the necessary supporting documentation as indicated by immigration counsel for the child as timely as possible

8. In those instances where the immigration attorney has advised that it is not in the best interest of the child to pursue immigration relief, a letter shall be obtained from the immigration attorney and filed with the court. The case plan shall be amended to reflect this change in the determination regarding best interest.

9. If services pursuant to this agreement are begun prior to a child turning 18, the immigration counsel will continue to provide the representation after the child turns 18, until such time as a decision has been rendered by federal immigration authorities, or until the immigration legal counsel for the child deems that it is otherwise not in the best interest of the child to pursue such services. The Child Net After Care Specialists shall attempt to maintain communication with the youth in efforts to assist with the coordination of services upon the child reaching age of majority.

Policy Owner: Client Services

President's Signature: _____ **Date:** _4/17/12_