



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 can't 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 both of these events happen (in either order): the child became a permanent resident, and at least one natural or adoptive (but not step-) parent having some form of custody over the child is or becomes a U.S. citizen. (Tip: Encourage the parent to become a naturalized U.S. citizen!)
2. Is the child currently under dependency, delinquency, family or probate court jurisdiction where the court has ruled (or could rule) that the child (a) *cannot be reunified with one or both parents* because of abuse, neglect or abandonment or a similar basis under state law and (b) that it would not be in the child's best interest to be returned to the home country? The child may qualify for **Special Immigrant Juvenile Status**.
 - The child need not be in foster care to be eligible, and may be living with the non-abusive parent.
 - If possible, the child should stay under the jurisdiction of the court until the entire SIJS application is decided, so watch out for youth aging out of the system. If this is not possible, the court should explicitly state that termination of jurisdiction is being done based on age.
3. Has the child been abused by a *U.S. citizen or permanent resident* spouse or parent, including adoptive, natural or stepparent? Has the child's parent been a victim of domestic violence by his/her U.S. citizen or permanent resident spouse? The child may qualify for **VAWA relief**.
 - Child doesn't need to be under court jurisdiction, and may be residing with the other parent.
 - Child will need to show "good moral character."
4. Has the child been a victim of serious crime, including domestic violence, in the United States, or of human trafficking? The child may qualify for an **S, T, or U visa**.
5. Does the child have a *U.S. citizen or permanent resident parent or spouse* who is willing to petition for them? The child may qualify for a **family immigration petition**.
 - To immigrate through an adoptive parent the adoption must be completed by the child's 16th birthday. These laws are complicated if the child is from a country that is a signatory to the Hague Convention.
6. Does the child come from a country that has recently experienced *civil war or natural disaster*? Does the child fear return to their home country because of *persecution*? The child may qualify for other forms of relief such as **asylum or temporary protected status**.

RESOURCES

Technical Assistance in Individual Cases

Free Technical Assistance in California for County Stakeholders who Have Dependency Cases Involving Children from Immigrant Families

- Contact aod@ilrc.org for expert advice on immigration legal issues.

Written Materials and Resources (available at www.ilrc.org under “Immigrant Youth”)

Fact Sheets: Immigration Options for Undocumented Immigrant Children

- A collection of Bay Area Resources and Fact Sheets on SIJS, VAWA, Family Visas, U visas, Asylum, U.S. Citizenship and TPS

An Overview to Special Immigrant Juvenile Status

- In depth discussion of the requirements of SIJS and instructions on how to file for SIJS

Update on Special Immigrant Juvenile Status: What is Visa Availability?

- Updated information about the “visa backlog” for youth from certain countries applying for a green card based on Special Immigrant Juvenile Status

Responding to the Needs of Unaccompanied Children (UAC)

- Quick resource sheet for individuals interacting with unaccompanied children in the U.S.

Living in the United States: A Guide for Immigrant Youth

- Know Your Rights and Responsibilities Handbook for Immigrant Youth in English and Spanish

Immigration Benchbook for Juvenile and Family Courts

- A national benchbook for juvenile and family court judges on various immigration related issues including: Special Immigrant Juvenile Status, adoption, VAWA, U Visas, divorce, child custody, immigration consequences of delinquency and crime, and immigration enforcement

The Reuniting Immigrant Families Act (SB 1064)

- An overview of SB 1064, the nation’s first law addressing the reunification barriers faced by many immigrant families involved with the child welfare system

Applying the Immigration & Customs Enforcement (ICE) Parental Interests Directive to Child Welfare Cases

- A summary of the Directive, which emphasizes that ICE should respect an immigrant parent's rights and responsibilities. Provides tips to those working within the dependency system on how to best ensure an immigrant parent who is detained or deported can meaningfully participate in dependency proceedings.

Map: Deportation System for Minors

- Visual map of what may happen to immigrant children in the immigration system from apprehension, to detention, to immigration court and deportation