

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!)

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 immigration process is complete, 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.

*Note that this is not an exhaustive screening guide. All youth with immigration concerns should seek an individualized consultation with an immigration legal services provider. To find providers in your area, visit: <https://bit.ly/ianimmhelp>.



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3. HAS THE CHILD BEEN ABUSED BY A U.S. CITIZEN OR PERMANENT RESIDENT (GREEN CARD HOLDER) SPOUSE OR PARENT, INCLUDING ADOPTIVE, NATURAL, OR STEPPARENT?

Is the child's parent a survivor of domestic violence by their U.S. citizen or permanent resident spouse? The child may qualify for **VAWA relief**.

- Child does not need to be under court jurisdiction, and may be residing with the other parent.

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 FEAR RETURN TO THEIR COUNTRY OF BIRTH BECAUSE OF PERSECUTION?

Or does the child come from a country that has recently experienced civil war or natural disaster? Visit ilrc.org/asylum for more information on qualifications.

- The child may qualify for other forms of relief such as **asylum or temporary protected status**.

7. DID THE CHILD ENTER THE U.S. BEFORE JUNE 15, 2007 AND WHILE UNDER THE AGE OF 16?

- The child might be eligible for Deferred Action for Childhood Arrivals (DACA). After various executive actions and lawsuits, the DACA program is currently available for renewal applicants only. For more information, see <https://www.ilrc.org/daca>.

