



TEXAS

**Department of Family
and Protective Services**

Child Protective Services

**International and
Immigration Issues
Resource Guide**

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The purpose of Resource Guides is to provide information that helps you do your job better. This information includes reference material, procedures, and guidelines that help you complete the tasks you are required to do by policy.

It's important to remember that the information in Resource Guides **does not substitute for policy**. We may sometimes include policy statements, but only to show you the policy to which the information is related. We will highlight any policy that actually appears in the Resource Guide, and will almost always include a link to the actual policy. For example:

Per [4322.2 Re-Allowing Placement](#):

Any time the caseworker becomes aware of detailed justification for changing the status of and considering placements in a foster family that has been placed on Disallowed Placement status, the caseworker must elevate this consideration through the regional chain of command to the regional director.

The policy in the handbook always takes precedence over what is in the Resource Guide. We try to keep policy and Resource Guides synchronized, but sometimes there is a delay. **If you have questions, always follow the policy in the Policy Handbook.**

Resource Guides provide important information on a range of topics, for the purpose of assisting and guiding staff to:

- make essential decisions
- develop strategies to address various issues
- perform essential procedures
- understand important processes
- identify and apply best practices

The information in the Resource Guides is not policy (except where noted), and the actions and approaches described here are not mandates. You should adapt the way you perform critical tasks to the individual needs and circumstances of the children and families with whom you work.

State office and field staff are working together to identify Resource Guide topics, define the content, and develop the appropriate guides. CPS will regularly post Resource Guides as they are developed, and update them as needed. Check the Resource Guides page, in the CPS Handbook, to see new or revised Guides.

We hope these Guides provide useful information to guide and assist CPS staff in effectively performing their job tasks. These Guides, combined with clear and concise policy in the Handbook, should help staff provide a high level of service to children in Texas.

For general policy see [6700](#) International and Immigration Issues.

CITIZENSHIP AND IMMIGRATION STATUS CATEGORIES

CPS identifies each child as one of the following when determining citizenship and immigration status:

U.S. Citizen

The most common proofs of U.S. citizenship are a U.S. birth certificate, a naturalization certificate, or a citizenship certificate. Once a child or youth's U.S. citizenship is confirmed, there is no further work to be done with respect to citizenship and immigration.

Permanent Resident

With lawful permanent resident (LPR) status, a child or youth can live and work in the U.S. indefinitely (barring certain criminal activity). At age 18, after five years as a LPR (or three years in some cases) an eligible LPR can apply to become a naturalized U.S. citizen. DFPS monitors children and youth who are in foster care with LPR status to renew expired cards and assess eligibility for naturalization.

Other Qualified Alien

This category is for refugees, persons granted political asylum, and a few others who were legally admitted but do not have LPR status yet. DFPS assesses these cases and assists in filing an application for LPR status, if appropriate.

Undetermined

All children and youth who do not fit in the first three categories belong in this category. Some children and youth in this category are undocumented, some are U.S. citizens but must apply for documentation, and others have complicated cases that require additional research. For those who are undocumented, the key issue is determining eligibility for Special Immigrant Juvenile Status (SIJS), which is an avenue for obtaining LPR status.

CPS immigration specialists track cases of all children and youth in foster care who are not U.S. citizens (or lack proof of U.S. citizenship). Regional attorneys, or in some instances, private attorneys appointed by the family court, work with immigration specialists and caseworkers to assist children and youth to apply for permanent resident status and citizenship and to resolve other immigration issues.

SPECIAL IMMIGRANT JUVENILE STATUS

Special Immigrant Juvenile Status (SIJS) is a federal law that allows an eligible undocumented foster child to apply for permanent resident status (also known as a green card).

8 USC [§1101\(a\)\(27\)\(J\)](#)

Most children will not have another opportunity to obtain permanent resident status which makes this an extremely important opportunity. Caseworkers should be familiar with the eligibility requirements in order to identify potentially eligible children and youth on their caseload. Eligibility for SIJS requires that the family court find and issue an order that:

- the child is dependent on the family court;
- reunification with one or both parents is not viable as a result of abuse, neglect, or abandonment or similar basis under state law; and
- it is not the child or youth's best interest to be returned to the child's or youth's or parent's country of nationality or last habitual residence.

Every child and youth in DFPS conservatorship is dependent on the family court. The best interest finding depends on the facts in each case, such as a child or youth’s language ability, family, social, and cultural ties in the other country and any other special factors that apply.

The status of reunification usually determines when a child or youth can apply for SIJS. The earliest that an undocumented child or youth can qualify for SIJS is when the court can find that he or she cannot reunify with at least one parent as a result of abuse, neglect, or abandonment.

If a caseworker is working with a child who is not a US citizen, the caseworker is required to communicate with the immigration specialist.

The immigration specialist will work with the caseworker to determine at what point CPS would apply for Special Immigrant Juvenile Status (SIJS) status for the child.

Similarly, the caseworker should let the immigration specialist know when reunification with at least one parent is no longer considered possible and whether an undocumented child or youth has any:

- arrests, juvenile adjudications, or criminal convictions;
- substance abuse issues;
- severe mental health issues; or
- prior deportations.

See the [immigration specialist contact information](#).

UNDERSTANDING THE RISKS AND BENEFITS OF APPLYING FOR SPECIAL IMMIGRANT JUVENILE STATUS

(Entendiendo los Riesgos v Beneficios al Aplicar para el Estado de Inmigrante Juvenil Especial)

English	Spanish
The CPS worker or Regional Attorney may provide the following information to a child, caregiver or other person related to the case to help him or her understand "Special Immigrant Juvenile Status."	El trabajador de CPS o el Procurador Regional puede darle la siguiente información al niño, al cuidador o a otra persona relacionada con el caso, para ayudarlo a entender al niño su "Estado de Inmigrante Especial".
What is "Special Immigrant Juvenile Status"?	Que Es un "Estado de Inmigrante Juvenil Especial?"
It is a way for a juvenile dependent of the court to become a permanent resident of the United States (get a green card).	Es una manera para que una persona clasificada como dependiente de la corte juvenil, pueda llegar a ser residente permanente de Los Estados Unidos.
What Do I Have To Do To Apply For My Green Card?	Que Tengo Que Hacer Para Obtener Mi Tarjeta Verde?
There are several forms to fill out. You must get your fingerprints and photographs taken, and have a medical examination. The social service worker or an attorney will help you with the paperwork and moving you through the process.	Hay diferentes formularios que tendra que llenar; necesita huellas digitales, fotografías, y un examen fisico. El trabajador del servicio social o un abogado le ayudaran con los papeles y con todo el proceso de inmigracion.
Isn't This Like Turning Myself In To Immigration?	No Es Esto Como Entregarme Yo Mismo A La Inmigracion?

English	Spanish
<p>Yes. If your case is denied, immigration can put you into deportation proceedings. Your social service worker or lawyer will evaluate your case carefully before filing anything with immigration. Therefore, you must be completely honest with them when answering their questions. Past criminal behavior may disqualify you.</p>	<p>Si. Si le niegan el caso, puede comenzar el proceso de deportación. Por esa razón alguien evaluará su caso cuidadosamente antes de mandar cualquier cosa a inmigración. Por lo tanto hay que hablar honestamente con la persona que le lleva el caso y contestar todas sus preguntas. Actividades criminales en su pasado le pueden descalificar.</p>
<p>What If Immigration Already Knows That I Am Here?</p>	<p>Que Pasa Si La Inmigración Ya Sabe Que Estoy Aquí?</p>
<p>The INS should close your case while you apply for your green card. If you are granted permanent residency, your case stays closed. If your application is denied, the INS can reopen your case and continue with the deportation proceedings.</p>	<p>Inmigración cerraría su caso mientras usted aplica para obtener su tarjeta verde. Si le dan residencia permanente, su caso quedaría cerrado. Si su aplicación no es aprobada, inmigración puede abrir su caso de nuevo y seguir con el proceso de deportación.</p>
<p>What Do I Get As a Permanent Resident?</p>	<p>Que Obtendría Yo Como Residente Permanente?</p>
<p>You get the right to live and work permanently in the United States. You will have the right to apply for U.S. citizenship 5 years later, although in most cases you must be at least 18 years old.</p>	<p>Usted tendrá derecho de vivir y trabajar permanentemente en Los Estados Unidos. Usted tendrá el derecho de aplicar para ciudadanía después de 5 años, aunque por lo general hay que tener por lo menos 18 años.</p>
<p>What Are the Risks or Negative Aspects of Being a Special Immigrant Juvenile?</p>	<p>Cuales Son los Riesgos o Aspectos Negativos de Ser Inmigrante Juvenil Especial?</p>
<p>If you later become a U.S. citizen, you cannot immigrate your natural parents. If your case is denied, immigration can start deportation proceedings against you.</p>	<p>Si usted más tarde se hace ciudadano de Los Estados Unidos, usted no podría aplicar por sus padres naturales. Si su caso es negado, Inmigración puede empezar el proceso de deportación en contra de usted.</p>
<p>Is There Any Other Way For Me to Get My Green Card?</p>	<p>Existe Otra Manera Para Que Yo Obtenga Mi Tarjeta Verde?</p>
<p>Yes. Your spouse, parent, stepparent or adoptive parent can file a visa petition if they are U.S. citizens or permanent residents, even though you don't live with them.</p>	<p>Si. Su conyuge, padres, padrastro/madrasta, o padres adoptivos pueden hacer una petición de visa, si ellos son Ciudadanos Americanos o residentes permanentes, aunque usted no viva con ellos.</p>
<p>Note: This excerpt from "Special Immigrant Juvenile Status for Children in the Dependency System," is reprinted with permission of the Immigration Legal Resource Center (San Francisco, CA 1999).</p>	

FREQUENTLY ASKED QUESTIONS ABOUT FOREIGN BORN CHILDREN IN FOSTER CARE

CPS has three Citizenship & Immigration Specialists and a state office program specialist assigned to work on citizenship and immigration issues. There are three Border Liaisons and a Regional Attorney in each region assigned to assist with these issues.

Immigration Specialists are designated in IMPACT as the secondary worker on all cases of children who are not confirmed to be U.S. citizens. The Immigration Specialists rely on the caseworker to provide case specific information and assist in specific tasks for children who are eligible to apply for citizenship or immigration benefits.

WHAT IS THE CASEWORKER'S RESPONSIBILITY IF A CHILD IN FOSTER CARE WAS BORN IN ANOTHER COUNTRY?

The caseworker should:

- Talk to parents, the child or family members to get as much information as possible to complete [Form 6600](#) Basic Immigration Information;
- Ask for copies of the child's birth record and any passport, visa, or other immigration document;
- Give notice to the foreign consul if required see WHEN IS NOTICE TO THE FOREIGN CONSUL NECESSARY? HOW IS NOTICE GIVEN?); and
- Assist with the application process for an eligible child or youth, as detailed below.

WHEN IS NOTICE TO THE FOREIGN CONSUL NECESSARY? HOW IS NOTICE GIVEN?

If we remove a child who was born in another country who is not a U.S. citizen, notice to the foreign consul is required. For a sample notice, see [Form 2650](#) Letter to Foreign Consulates. For contact information on a country's consulate offices, contact an [Immigration Specialist](#) or check the [U.S. Department of State Foreign Consular Offices in the United States](#) at the Department of State [website](#).

WHAT CAN CPS DO FOR A FOSTER CHILD WITH NO IMMIGRATION DOCUMENTS?

First, we will confirm whether the child has a status but the documents are missing, or whether the child has no documents. For those foster children and youth without documents, many, although not all, will be eligible for Special Immigrant Juvenile Status (SIJS). SIJS is a way for a child to get Permanent Resident Status (a "green card"). This is not the same as citizenship, but it is the first step of a process that can lead to citizenship for many children and youth. For children and youth who are not SIJS eligible, there may be other options. The important thing is that the case of every child who appears to be undocumented must be carefully reviewed by the Immigration Specialist and regional attorney.

HOW SOON CAN A CHILD WITH NO IMMIGRATION STATUS APPLY FOR SIJS?

The SIJS law requires a child or youth to be a dependent of the court (which occurs when CPS takes conservatorship of a child):

- who is unable to reunify with one or both parents as a result of abuse, neglect or abandonment; and

- for whom a court has found that it is not in the child's best interest to be returned to the child's country of origin.

The court must issue an order that specifies that these conditions have been met. In the context of a CPS case, the earliest that a child can be assessed for SIJS is when a court can find that the child or youth cannot be reunified with at least one parent as a result of abuse, neglect or abandonment. In some cases, the issue of reunification can be complicated. If you have questions, do not hesitate to contact the Immigration Specialist and/or the Regional Attorney.

WHO IS RESPONSIBLE FOR PREPARING THE CASE IF A CHILD IS ELIGIBLE FOR SIJS?

The caseworker:

- Responds to questions from the Immigration Specialist/Regional Attorney to assess a child or youth's eligibility for SIJS;
- Requests birth records from foreign country if necessary;
- Obtains the information (from the case record, or contacts with the parents or child/youth) to complete the [Form 6600](#) and other documents forwarded by the Immigration Specialist;
- Takes the child to a specific type of medical exam required for immigration applications and to obtain passport type photos for the application; and
- Brings the child to the appointments during the processing of the application, including:
 - (1) a "biometrics" appointment, where the U.S. Customs and Immigration Service ("U.S.C.I.S.") takes a digital photo, fingerprint and signature that will be used to create a lawful permanent resident card; and
 - (2) the U.S.C.I.S. interview, where the Regional Attorney (or a private attorney) will meet you and the child or youth.

The Immigration Specialist:

- Monitors cases in assigned regions to identify cases requiring citizenship or immigration assistance;
- Coordinates with the caseworker to obtain information, documents and supporting materials (e.g. photos and medical exams) as needed;
- Prepares application forms in coordination with the Regional Attorney and follows up to respond to any further requests from USCIS; and
- Coordinates arrangements to ensure that caseworker and child are present for biometrics appointment and that caseworker, child and attorney are present for interview.

The Regional Attorney (or a private attorney in some cases):

- Assesses initial eligibility, including potential issues of inadmissibility;
- Reviews all forms and applications before filing;
- Responds to procedural and substantive questions from Immigration Specialist; and
- Attends the interview at USCIS and responds to any request for additional evidence.

WHAT HAPPENS IF A CHILD LEAVES CARE WITHOUT GETTING SIJS?

An undocumented child cannot work, get school loans, travel outside the U.S. (and return), obtain most government benefits or, in all likelihood, defend against a removal or deportation action. If a child gets SIJS and permanent resident status, just the opposite is true: the child will be able to work, apply for loans, access more government benefits, travel outside the U.S. without restriction, and is not subject to removal or deportation (except in the case of serious misconduct). In addition, at age 18, a youth who has

been a permanent resident for at least five years and can demonstrate good moral character can apply to become a naturalized U.S. citizen.

IF A CHILD WILL BE ADOPTED DO WE STILL NEED TO WORRY ABOUT GETTING SPECIAL IMMIGRANT JUVENILE STATUS?

Yes. Resolving a child's immigration status *before* the child is placed for adoption will facilitate access to benefits, eliminate an expensive and time-consuming problem for the prospective family and likely make it easier to place a child for adoption. Also, if a child has already obtained Permanent Resident status, in most cases the child will be eligible for automatic U.S. citizenship under the Child Citizenship Act (CCA) when the adoption is consummated.

If the CCA applies, it is important to inform the child and the adoptive family that even though U.S. citizenship is automatic when all requirements are met, getting proof of citizenship requires an application. This can be done by applying for a citizenship certificate through U.S.C.I.S. or by obtaining a U.S. passport through the State Department. Most Permanent Residents are not eligible to apply for U.S. citizenship until they have been a Permanent Resident for at least 5 years and are at least age 18.

Particularly for children with disabilities or special needs, becoming a U.S. citizen as a young child can make an extraordinary difference. Remember, the CCA is only a possibility if a child or youth obtains permanent residents status *before* an adoption is consummated and the adoption happens while the child is under age 16.

HOW CAN I GET A FOREIGN BIRTH CERTIFICATE IF THE PARENTS OR FAMILY DON'T HAVE ONE?

For a child born in Mexico, contact one of the [DFPS Border Liaisons](#) (listed below) or your Immigration Specialist and give them the child's name, date and place of birth, and the names of the child's parents.

If a child is born in another foreign country, contact the [Immigration Specialist](#). They may redirect you to the consulate's office or the internet to research how to obtain a foreign birth record.

IF THE BIRTH CERTIFICATE IS NOT IN ENGLISH, WHERE CAN I GET IT TRANSLATED?

A bilingual staff person can prepare an extract translation. This is not word for word translation, but a translation of only the necessary information from a record. A sample blank extract form for this purpose is available from the Immigration Specialists.

For languages other than Spanish, DFPS can access translation services through the Department of State Health Services, using DFPS [Form 4101-000](#) Request for Translation, which must be sent to translations@dads.state.tx.us. If using this service, make sure to request an extract translation, and avoid paying for a complete translation.

HOW DO I GET A MEDICAL EXAM FOR IMMIGRATION PURPOSES?

The medical exam must be done by a physician already approved by U.S. Citizenship & Immigration Services.

The caseworker should take the following steps when obtaining a medical exam for immigration purposes:

- Locate an approved physician by going to <https://my.uscis.gov/findadoctor> and enter the applicable zip code for the nearest physician who is authorized to perform these exams.
- Contact your immigration specialist and notify them that you are scheduling an appointment for a medical exam.
- Follow the Instructions for Immigration Medical Exams (DFPS [Form 6591](#)) and complete a Request for Immigration Medical Exam Payment (DFPS [Form 6592](#)).
- Send the forms to the immigration specialist to make the credit card payment

Bring the child's photo identification to the medical exam; if the child does not have photo identification, the Immigration Specialist can provide a DFPS letter to which child's photo is attached to be used for this purpose.

At the appointment:

- The caseworker who takes the child for the medical exam should take a record of all immunizations the child has received to date.
- The doctor must complete two forms: the I-693 (results of medical exam) and the Vaccination Supplement (both available on the [USCIS website](#), but the physician should have them as well).
- The doctor must provide the results of the medical exam and vaccination record in a *sealed envelope*. We can request an extra copy of the results (*and should if there is any concern about HIV, tuberculosis, other communicable conditions or a mental health condition that may pose a threat to self or others*).
- The caseworker delivers the sealed envelope containing the results of the medical exam to the Immigration Specialist or Attorney handling the SIJS application packet.

HOW DOES THE CASEWORKER GET THE FILING FEES FOR IMMIGRATION APPLICATIONS?

In most cases, the Immigration Specialist will prepare a request for fee waiver. Only in unusual circumstances, if we are filing close to a deadline would we elect not to request a fee waiver. The USCIS form I-912 is used for this purpose, but note: you can only request a waiver of fees designated as subject to a fee waiver. The Immigration Specialist will tell you if a fee waiver is not available in a specific case, but you can always check fees and the availability of waivers online at <https://www.uscis.gov>.

If a fee waiver is not available or is not recommended, submit a [Form 4116](#) to request DFPS funds for a filing fee.

WHAT IF A YOUTH WITH PERMANENT RESIDENT STATUS WILL SOON TURN AGE 18?

Find out if the youth is eligible to become a naturalized citizen. To be eligible to apply for naturalized U.S. citizenship a person must:

- Be a permanent resident status for five years (with exceptions for married persons and military not applicable to foster care population);
- Be 18 years old; and
- Demonstrate good moral character during the five years before filing the application.

IF A CHILD HAS A U.S. CITIZEN PARENT, IS THE CHILD A CITIZEN ALSO?

Not necessarily. If a child has a U.S. citizen parent, this is important information you need to share with the Immigration Specialist and the Regional Attorney. Whether the child will turn out to be a U.S. citizen

will depend on the child's year of birth, the length of time the parent lived in the U.S. and whether or not paternity is established. Consult with the DFPS staff listed below for assistance with this issue.

IMMIGRATION SPECIALISTS

Immigration Specialists serve as subject matter experts for CPS staff members. The Immigration Specialists identify and track children with immigration needs who are in DFPS care.

Region	Name/Email	Telephone	Address
1, 2, 8, 9, and 11	Karina Alanis	Office: (956) 316-8679 Cell: (956) 802-7541 Fax: (512) 934-9664	300 E. Canton Avenue Mail Code: 108-7 Edinburg, Texas 78539
3, 7, and 10	Carmen Barron	Office: (817) 792-4978 Cell: (817) 897-4276 Fax: (817) 276-3931	1200 E. Copeland Road, Suite 400 Mail Code: 013-8 Arlington, TX 76011
4, 5, and 6	Minerva Jasso-Myles	Office: (936) 525-2183 Cell: (936) 827-4791 Fax: (713) 928-7627	2017 N. Frazier Street, Suite D-1B Mail Code:071-3 Conroe, Texas 77301

LEGAL SERVICES REGIONAL STAFF

The managing attorneys for DFPS oversee the delivery of legal services relating to Child Protective Services (CPS) cases and Adult Protective Services (APS) cases in the state courts and Child Care Licensing (CCL) cases in state administrative hearings. They supervise the DFPS legal staff including DFPS attorneys, legal assistants, and legal secretaries.

Region:	Position:	Name/EMAIL:	Phone:
1 & 9	Managing Attorney	Dewey Britt	(806) 742-9172
	Legal Secretary	Maria Castorena	(806) 742-9116
2 & 7	Managing Attorney	Glenna Cordray	(325) 691-8112
	Legal Assistant II	Karen Johnson	(325) 691-8124
3 & 4	Managing Attorney	Regina Anderson	(817) 792-4410
	Legal Assistant	Yuri Serrato	(817) 792-4958
5 & 6	Managing Attorney	Bridgette Smith-Lawson	(713) 394-4061
	Legal Assistant	Myra Jn-Marie	(713) 394-4011
8	Managing Attorney	Mauro Valdez	(210) 304-3916
	Legal Assistant	Amanda Molina-Martinez	(210) 337-3144

10 & Appellate Unit	Managing Attorney	Eric Tai	(512) 929-6532
	Legal Assistant	Martha L. Garcia	(512) 929-6819
11 and APS Attorneys	Managing Attorney	Kathleen Phillips	(361) 878-7481
	Legal Secretary	Terry Acosta	

BORDER LIAISONS

Since they are on the United States border with Mexico, Regions 8, 10 and 11 have designated border liaisons who work with the Mexican Consulate and Desarrollo Integral de la Familia (DIF). Workers in these regions should coordinate with their Border Liaison to arrange home studies for child placements throughout Mexico.

Region	Name/Email	Telephone
8	Carlos Aguirre	(830) 758-4284
10	Julio Gonzalez	(915) 521-3817
11	Karina Alanis	Office: (956) 316-8679 Cell: (956) 802-7541

See also:

[Form 2651es](#) Request for a Home Study for a Family in Mexico

[Form 6582](#) Sample Letter to Request a Home Study in a Foreign Country