

ADMINISTRATION CASE RELATED ISSUES

Immigration

31-8-13

Policy

The Department of Children and Families shall actively serve all persons who come under its purview, regardless of immigration status. The array of services available to other DCF clients shall also be available to undocumented persons. This includes, but is not limited to, family communication and contact efforts when parents or other caregivers are separated through incarceration due to violation of immigration status or deportation proceedings.

Note: The law does not require that DCF staff report undocumented persons to the federal Immigration and Customs Enforcement agency.

See: [Immigration Practice Guide](#) for additional information.

Special Immigrant Juvenile Status (SIJS) Petition

A Special Immigrant Juvenile Status (SIJS) petition shall be filed immediately in the Superior Court for Juvenile Matters on behalf of an undocumented child committed to DCF if reunification with one or both of the child's parents is not appropriate.

In the petition (and in the Case Plan), the Social Worker shall document:

- that reunification with one or both of the child's parents is not a viable option; and
 - that return of the child to his or her country of nationality or last habitual residence is not in his or her best interest.
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Federal Application Process

Once the court has granted the SIJS petition, an application shall be filed with U.S. Citizens and Immigration Service along with the following documents that will be provided to the Social worker by the DCF-contracted immigration attorney:

- a sealed medical exam;
- the child's birth certificate with a certified translation;
- four passport photographs of the child;
- a fully completed biographic information form;
- copy of the SCJM Order of Commitment, the Motion and Order for Best Interests Finding, the Summary of Facts and the Social Study; and
- copies of the passport information page, the visa page in the passport and the I-94 arrival card if available.

Note: The specialized medical exam must be performed by a USCIS approved Civil Surgeon.

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**Federal
Application
Process
(continued)**

Forms are available at: <http://www.uscis.gov/green-card/special-immigrant-juveniles/sij-forms-you-may-need>.

Refer to the [DCF Immigration Practice Guide](#) for specific steps for supporting SIJS petitions.

Failure to provide all of these documents within six months of the granting of the SIJS petition will result in a delay in the processing of the application.

**Undocumented
Adult Clients**

The Social Worker shall assist undocumented adult clients with issues related to their immigration status.

“Assist” means, for example, to help fill out forms and provide a referral to an immigration attorney. DCF shall not pay for legal services or otherwise take responsibility for an adult client’s immigration status.

**Special Visas
for Crime
Victims**

If the Social Worker believes that an adult or child client may qualify for a U visa as a victim of domestic violence or other specific crime identified by the federal government, the Social Worker shall consult with the DCF Area Office Attorney. The Area Office Attorney shall assist in the completion of the federal form I-918-B and shall certify the forms as the Commissioner's designee.

The I-918-B can be found at:

<http://www.uscis.gov/sites/default/files/files/form/i-918supb.pdf>

If the Social Worker believes that a child or adult client may qualify for a T Visa as a victim of human trafficking, the Social Worker shall consult with the DCF Office of Multicultural Affairs.

Cross reference: [DCF Policy 31-10-6.1, “Human Trafficking.”](#)
