

## 16.1 International and Immigration Affairs and Special Immigrant Juvenile Status

**Application:** To all staff who work with foreign-born youth served by the Department of Children's Services.

**Authority:** TCA: 37-5-105; TCA 37-5-106;  
Vienna Convention on Consular Relations; 42  
USC §671(a)(27); 8 USC § 1611(b) (1)(D)

**Standards:** None

Original Effective Date: 5/7/2024  
Current Effective Date: 12/20/2024

Supersedes: 5/7/2024  
Last Review Date: 10/01/2024

### Policy Statement:

Foreign-born youth in the custody of DCS will be promptly identified and referred to the International, Immigration, and Cultural Affairs Division (IICA) within the Office of General Counsel. IICA provides guidance and assistance on all cases that have international or immigration components.

### Purpose:

To ensure foreign-born youth in DCS custody are identified and tracked, their immigration cases are monitored, and they are referred to appropriate immigration services. Eligible youth in DCS custody will have an opportunity to apply for Special Immigrant Juvenile Status in a timely manner.

### Procedures:

#### A. Gathering Biographical Documents

1. When a youth enters DCS custody, the assigned case manager shall promptly obtain biographical documents for the youth. These documents can include but are not limited to:
  - ◆ Birth certificates;
  - ◆ Passports;
  - ◆ Religious records;
  - ◆ Hospital birth records;
  - ◆ Other birth verification documents;

- ♦ School enrollment records; and/or
  - ♦ Immigration documents.
2. If at any time during a case the family or youth report that the youth was born outside of the United States, the case manager shall request any documentation and information that the family may have that verifies when and where the youth was born.
  3. If the family or youth notifies the case manager that the youth had past contact with immigration authorities, the case manager shall request all copies of any paperwork the family may have, along with contact information for agencies or attorneys that the family has worked with in the past.

**B. Referral to the International, Immigration, and Cultural Affairs Division**

1. Upon identifying a scenario below requiring a referral, case managers will fully complete and submit a referral form to the DCS International, Immigration, and Cultural Affairs Division (IICA) within 10 (ten) business days. The case manager will ensure all identification documents, immigration related documents, and all other supporting documents provided by the youth and family are provided with the referral, along with contact information for immigration attorneys that have worked with the youth and family, if known/available. Referrals and documentation will be sent via email to: [ei\\_dcs\\_culturalaffairs@tn.gov](mailto:ei_dcs_culturalaffairs@tn.gov).
2. When the case manager learns or suspects that a youth in DCS custody was born outside the United States, the case manager will immediately make a referral to IICA.
3. If the case manager does not have a U.S. citizen birth certificate for a youth, the case manager will immediately make a referral to IICA.

**NOTE:** A referral is not required for cases with a pending request to another State within the United States for an out-of-state birth certificate.

4. If the family does not have a birth certificate, the case manager will immediately make a referral to IICA, which will assist with obtaining biographical documents for the youth.
5. When the case manager learns or suspects that the parent of a youth in DCS custody resides outside of the United States, the case manager will immediately make a referral to IICA which will review the referral and determine whether a Specialist needs to be assigned to the case.

6. If the case manager is uncertain whether a case should be referred, the case manager shall consult with IICA.

**NOTE:** A referral is not required in cases where the youth is a U.S. Citizen and has an undocumented parent who resides within the United States.

7. If the Child Abuse Hotline receives a referral alleging child abuse or neglect from an immigration agency, consulate, embassy, Foreign Child Welfare Agency, or any other agency in a foreign country, the Hotline will consult with IICA prior to screening out the referral. No consult is necessary if the Hotline deems the referral necessary to be screened in and assigned.
8. If a case manager has a question regarding foreign-born youth and parents served by the Department, the case manager shall consult with IICA at [ei\\_dcs\\_culturalaffairs@tn.gov](mailto:ei_dcs_culturalaffairs@tn.gov).

### **C. Responsibilities of the International, Immigration, and Cultural Affairs Division**

1. IICA Specialists provide guidance and assistance to case managers on international and immigration related issues. After a referral is received and accepted, an IICA Specialist will be assigned to the case. The IICA Specialist remains assigned to the case throughout the custodial episode to assist with international and immigration related matters.
2. Once a Specialist has been assigned to a case, they will become a member of the Child and Family Team. The case manager is responsible for ensuring that the IICA Specialist:
  - a) Is invited to all Child and Family Team Meetings as a required participant;
  - b) Receives notice of all court hearings involving the youth, including juvenile court proceedings, criminal court proceedings and immigration court proceedings. The IICA Specialist will monitor the Executive Office for Immigration Review portal to track removal proceedings.
  - c) Is consulted prior to making permanency decisions or recommendations to the Court concerning the youth;
  - d) Reviews and consults on all out-of-state and international-travel requests concerning the youth;
  - e) Is notified as soon as possible about any delinquency or unruly petitions filed concerning the youth;
  - f) Is notified if the youth is placed in a runaway status;
  - g) Is regularly informed about the status of the youth and any updates to

the youth's case; and

- h) Is connected with the youth's family and resource providers. When appropriate, the IICA Specialist will communicate with the youth's family to provide immigration-related updates.
- 3. Once a referral is received and accepted, IICA is responsible for making referrals to immigration legal services for the youth, if appropriate based on the youth's circumstances, until an attorney or Department of Justice Accredited Representative is retained. IICA shall make efforts to communicate with preexisting immigration attorneys to determine whether their representation shall continue.
- 4. IICA will maintain updated documents to track referred youth, to ensure immigration related deadlines are met. The IICA Specialist will keep the youth informed about important next steps and developments as they occur. If an update is deemed necessary for young children, an age-appropriate limited update will be provided.
- 5. The IICA Specialist serves as the primary agency contact for any involved immigration attorneys. Case managers will refer all communication with immigration attorneys to the assigned Specialist. The Specialist will respond in a timely manner to requests from the immigration attorney/representative for information, documents, and needed signatures. The IICA Specialist will make efforts for youth to have confidential communication with their immigration attorney. For young children, the IICA Specialist will communicate and work with the immigration attorney regarding consultations with the child to determine whether a foster parent, case manager, or the IICA Specialist should attend necessary meetings along with the child.
- 6. The IICA Specialist serves as the primary agency contact for all international and immigration-related agencies, including immigration-related organizations, consulates, embassies, foreign child welfare agencies, and all other international organizations. Case managers will refer all communication from these agencies to the assigned Specialist.
- 7. The IICA Specialist coordinates with the case manager to ensure the youth is transported to all immigration-related appointments and immigration court hearings if applicable. The Child and Family Team will also ensure that any involved immigration attorney is able to communicate with the youth. Likewise, the youth will also be allowed access to the immigration attorney.
- 8. No permanency decisions are made for the youth without consulting the assigned IICA Specialist.
- 9. If a youth will turn eighteen (18) while in DCS custody, and their immigration process is ongoing, the case manager will arrange a

meeting with the youth within the 30-day period immediately prior to the youth's eighteenth birthday to ensure the youth has direct access to the youth's immigration attorney. The IICA Specialist and case manager shall ensure the immigration attorney is invited to participate in the meeting to provide the youth with updated information concerning their immigration case. Contact information for the immigration attorney will be provided to the youth along with copies of all pending immigration documentation or hearing notices.

#### **D. Special Immigrant Juvenile Status Court Orders**

1. The IICA Specialist will consult with the youth's immigration attorney to determine whether the youth may qualify for Special Immigrant Juvenile Status ("SIJS"). In following this process, the IICA Specialist shall prioritize youth closest to turning eighteen (18) years old. If it is determined that the youth may qualify for SIJS, the case manager and IICA Specialist will immediately consult with the regional DCS attorney to request the appropriate findings in a court order. The IICA Specialist, case manager, and DCS attorney shall work to ensure that all eligible youth apply for SIJS in a timely manner.
2. If the adjudicatory hearing was conducted and these findings were not obtained, the case manager and IICA Specialist will consult with the DCS attorney to request that necessary pleadings are filed to obtain the appropriate findings for the youth. The youth's immigration attorney will also be consulted.
3. If there is an appeal of an adjudicatory order, the IICA Specialist will consult with the regional DCS attorney to discuss the SIJS portion of the case in juvenile court and on appeal.

#### **E. Benefits**

All applications and inquiries regarding any state or federal benefits for youth and families are referred to the assigned Maximization Specialists. Only the Child Welfare Benefits unit will apply for benefits for the youth.

#### **F. Additional Guidance**

1. For questions and concerns not specifically addressed above regarding foreign born youth and families that the Department is serving, please consult IICA at [ei\\_dcs\\_culturalaffairs@tn.gov](mailto:ei_dcs_culturalaffairs@tn.gov).
2. If staff encounter immigration related issues in non-custodial cases, they may also consult with the IICA team.

Forms:

[CS-4253. International, Immigration, and Cultural Affairs Referral](#)

Collateral Documents: None