



South Carolina Department of Social Services
Work Aid (16.3)- Special Topics Work Aid: Service Needs of Non-Citizen Minors

Supplemental to DSS Policy: Chapter 16: Special Topics

A. Verification of citizenship or immigration status	The Case Manager will assess and verify the citizenship or immigration status of the minor child or youth: 1. First, the Case Manager will conduct a safety assessment for the child or youth. The purpose of the safety assessment is to determine the degree to which the child or youth has likely suffered maltreatment or the likelihood that maltreatment will occur in the immediate future. The safety assessment should include any information on threatening family conditions, as well as current, significant, and observable threats to the safety of the child or youth. 2. The Case Manager will interview the child or youth, their parents, or relatives to determine if any of them are U.S. citizens, foreign nationals, or have dual citizenship, and to determine the appropriate action. Ask the citizenship and immigration status of each parent and child or youth, if age-appropriate. Request to see some form of identification of the child or youth and parents to determine the services they may be eligible to receive. If the identification is not clear or is not available, then inquire where they are from. This may require the services of an interpreter and it should be explained that the agency is requesting this information to provide services. 3. The Case Manager will verify the child or youth's lawful residency status using documentary evidence: a. U.S. Birth Certificate; b. Naturalization Certificate (N-550 or N- 570); c. Certificate of Citizenship (N-560 or N- 561); d. U.S. Passport; e. Hospital Certificate, or Baptismal Certificate; f. Permanent Resident Card (Green Card or I-551);
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	g. Other forms of immigration documentation, such as a Consular Report of Birth Abroad (CRBA) h. Warnings on naturalization and citizenship certificates indicating that it is illegal to make copies do not apply if the purpose is to verify eligibility for benefits [63 F.R. 41670 (1998)]. The best practice is to indicate "copy for verification purpose only" on the photocopy. 4. The Case Manager will notify the County Attorney and the Office of Child Health and Well-Being at noncitizenadvocacy@dss.sc.gov immediately whenever they have reason to believe a foster child or youth subject to removal from the home is a foreign national, U.S. permanent or temporary legal resident alien, or person in U.S. custody. 5. Inform the parent and foster youth (14 years of age or older) of the need for the Case Manager to notify the applicable consulate when the court considers or awards SCDSS temporary custody. 6. The Case Manager will notify the closest applicable consulate immediately, but no later than five business days whenever they have reason to believe a foster child or youth subject to removal from the home is a foreign national, U.S. permanent or temporary resident alien, or person in U.S. custody. The contact information can be found in the U.S. Department of State, Bureau of Consular Affairs website at https://travel.state.gov/content/travel/en/consularnotification/ConsularNotificationandAccess.html 7. The Case Manager will call the consulate's office to verify the name of the current Consular, their email address, and fax number, then email or fax the completed DSS Form 30224 Notice to Foreign Consul of Child Protection Proceedings to the Consular. 8. Allow the consular officer the opportunity to assist with services for the foreign national minor. Request the consular authorities' assistance with repatriation, a diligent search for relatives in the home country, obtaining a birth certificate, passport, or photo ID as needed.
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	9. The Case Manager will document the foster child or youth's nationality on the Medicaid and IV-E application along with documentary evidence. 10. If unable to secure the foster child or youth's nationality documentation, the Case Manager will document efforts made to obtain it. The Case Manager may also seek help with this process from the Office of Child Health and Well-Being, at noncitizenadvocacy@dss.sc.gov. 11. SCDSS will follow the provisions of the Immigration and Nationality Act (INA) when unable to determine a foster child or youth's lawful U.S. residency status. Refer to https://www.uscis.gov/legal-resources/immigration-and-nationality-act. 12. SCDSS will comply with Consular Notification and Access regardless of the foreign national minor's visa, refugee, or immigration status in the United States. SCDSS will never reveal to the foster child or youth's national government that a foreign national has applied for asylum or refugee status.
B. Permanency	The Case Manager will adhere to and provide the following services for a foster child or youth who is a non-citizen minor: 1. If a non-citizen child or youth is taken into custody, the Case Manager will give notice to the Consular of the foster child or youth's home country. Within five business days of the date the child or youth comes into care, the Case Manager should complete and send the DSS Form 30224 Notice to Foreign Consul of Child Protection Proceedings, to the appropriate embassy or consulate with a copy to the Office of General Counsel. In addition to meeting the legal requirement, contact with the consular may facilitate locating family members or other resources in a foreign country. To locate the nearest consulate office of a foreign country, refer to the U.S. Department of State, Bureau of Consular Affairs website at https://travel.state.gov/content/travel/en/consularnotification/ConsularNotificationandAccess.html.

	2. The Case Manager will ensure that services are provided without regard to a parent, foster child, or youth's non-citizen status. 3. Federal foster care and adoption assistance payments (Medicaid and federal IV-E funding) can only be provided to U.S. citizens, documented immigrants, and children and youth with a filed SIJS petition. 4. For a foster child or youth who is undocumented, funds to pay their board payment will be obtained from state funds and any needed medical services must be paid for with non-Medicaid resources. For those children/youth eligible for a citizenship status adjustment under SIJS, eligibility for Medicaid begins upon filing of the SIJS petition. 5. SCDSS shall determine within 60 business days of an undocumented non-citizen child or youth's entry into care whether reunification with the child or youth's parents within the U.S. or in the child or youth's country of citizenship is in the child or youth's best interest 6. SCDSS will document the agency's efforts to: a. Repatriate the child or youth in foster care (return the child or youth to their country of citizenship). b. Seek non-citizen status relief, Special Immigrant Juvenile Status (SIJS) via the United States Citizenship and Immigration Services (USCIS). Upon the determination that non-citizen status relief under SIJS is appropriate, the case manager should send notice to noncitizenadvocacy@dss.sc.gov, and the Office of Child Health and Well-Being will ensure an immigration attorney is retained for the child for purposes of consultation, filing and litigation of the SIJS petition. c. When seeking SIJS for an undocumented non-citizen child or youth in foster care, the Case Manager must petition the family court before the youth turns 18 years old to certify SIJS eligibility. d. The Case Manager must schedule a transition plan meeting within six months of the youth in care's 18th birthday to develop the transition plan that includes goals to support the youth's self-sufficiency upon exiting foster care at 18 years of age. At a minimum, the
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	Case Manager, the youth's placement provider, and the youth's Consular must be invited to the transition planning meeting. e. Secure placement with identified resources before the youth's discharge from foster care.
C. Maintain current legal status	To maintain the current legal status of the child or youth in foster care, the Case Manager will do the following: 1. Upon the determination that a non-citizen youth has temporary lawful presence, the Case Manager should notify the Office of Child Health and Well-Being at noncitizenadvocacy@dss.sc.gov. The Statewide Non-Citizen Advocate will collaborate with the Case Manager to ensure all non-citizen children and youth have status documents that are current, to include Visa and Green Card renewals. The non-citizen's legal status must remain current. For a non-citizen child or youth who has temporary lawful non-citizen status, it is imperative to keep their legal status current. Many non-citizen status documents have expiration dates. Failure to timely file for an extension or change of non-citizen status may result in the child or youth losing lawful non-citizen status and becoming subject to deportation or removal from the United States. 2. Visa and Green Card renewal facts: a. Upon the determination that a non-citizen youth has a Visa or Green Card, the Case Manager should notify the Office of Child Health and Well-Being at noncitizenadvocacy@dss.sc.gov. b. A person who became a lawful permanent resident (Green Card holder) before they turned 14 years of age is required to replace their Green Card when they become 14 years old. c. Permanent Resident Cards that were issued for 10 years must be renewed six months before they expire. The renewal form is the I-90. d. People who have Permanent Resident Cards valid for only two years are conditional residents. Before they can renew their Green Card, they must file a petition to remove the conditions of the residence before the card expires. Generally, the petition to remove the condition must be filed in the 90 days before the conditional Green Card expires. Some children or youth in foster care may be eligible to submit this application immediately and do not need to wait until the 90 days before the card expires.

	e. A child or youth in foster care present in the United States in a non-citizen or temporary status will need to apply to either extend or change status with the United States Citizenship and Immigration Services (USCIS) before the expiration of the date of their current period of authorized stay. Please note that a child or youth in care's temporary status is often tied to their parent's non-citizen status, and the parent or parent's employer may need to file the extension or change of status applications on behalf of the child or youth. To keep non-citizen or temporary visas current, the child or youth in care's foreign passport also must remain current. This can be done at the appropriate consulate in the U.S.
D. Special Circumstances	1. To determine a foster child or youth's legal status, the Case Manager obtains the appropriate documentation such as a certified foreign birth certificate and passport. These documents can be obtained through the appropriate foreign consulate in the United States. The Case Manager may also seek help with this process from the Office of Child Health and Well-Being, at noncitizenadvocacy@dss.sc.gov. 2. To obtain these documents, the Case Manager will give notice to the Consular of the foster child or youth's home country. Within five business days of the date the foster child or youth comes into care, the Case Manager should complete and send the DSS Form 30224 Notice to Foreign Consul of Child Protection Proceedings, to the appropriate embassy or consulate with a copy to the Office of General Counsel. In addition to meeting the legal requirement, contact with the consular may facilitate locating family members or other resources in a foreign country. To locate the nearest consulate office of a foreign country, refer to the U.S. Department of State, Bureau of Consular Affairs website at https://travel.state.gov/content/travel/en/consularnotification/ConsularNotificationandAccess.html. The Case Manager may also seek help with this process from the Office of Child Health and Well-Being, at noncitizenadvocacy@dss.sc.gov. 3. The Case Manager determines if the foster child or youth is eligible for derivative US Citizenship based on one of the following criteria: a. One of the foster child or youth's parents or grandparents were a US Citizen at the time of the foster child or youth's birth, or

	b. One of the foster child or youth's biological or adoptive parents became a US Citizen and obtained the foster child or youth's Green Card while the foster child or youth was under the age of 18. c. The Case Manager may also seek help with this process from the Office of Child Health and Well-Being, at noncitizenadvocacy@dss.sc.gov. 4. The Case Manager determines if the foster child or youth is eligible for Special Immigrant Juvenile Status (SIJS). Upon this determination, the Case Manager should immediately notify the Office of Child Health and Well-Being at noncitizenadvocacy@dss.sc.gov. The Statewide Non-Citizen Advocate will collaborate with the Case Manager for the foster child or youth in obtaining this status if the foster child or youth is eligible. A foster child or youth is eligible for SIJS if they meet the following criteria: a. The foster child or youth is under the age of 21 and unmarried, and b. Reunification with one of the parents is not possible because of abuse, neglect or abandonment, and c. It is not in the foster child or youth's best interest to return to the country of their birth. d. To obtain SIJS, a court order must be obtained which specifies that the foster child or youth meets the criteria referenced above and they are a dependent of the court or in the custody of a state child welfare agency or an individual or entity appointed by the court. To petition for SIJS, an immigration attorney will be retained to work with the Case Manager in order to submit the court order to the USCIS along with a completed Form I-360. Additional information on applying for SIJS can be found at https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-fourth-preference-eb-4/special-immigrant-juveniles.
E. Services Available to Non-Citizens	1. If not already completed, the Case Manager assesses if the family needs the services of an interpreter or translator and arranges for an interpreter or translator. The Case Manager obtains the DSS Form 2664 Accommodation Assessment Form and completes it with the family and the interpreter or translator and includes it in the case file. 2. Gathering a birth certificate and any other immigration information for a foster child or youth who is born in another country may help the foster child or youth in becoming eligible for full or partial Medicaid and other federal benefits such as SNAP (Supplemental Nutrition

	Assistance Program), TANF (Temporary Aid for Needy Families), and Chafee or Educational and Training Voucher Funds coverage in certain situations. For assistance, the Case Manager may contact the Office of Child Health and Well-Being at noncitizenadvocacy@dss.sc.gov. 3. The Foster Care Health Liaison will work with the South Carolina Department of Health and Human Services to resolve Medicaid Eligibility issues. If the foster child or youth is not eligible for Medicaid coverage or the service is not covered by Medicaid or the Managed Care Organization, contact the Foster Care Health Liaison at childhealthandwell-beingappeals@dss.sc.gov to determine whether an appeal should be filed. 4. If a foster child or youth is determined not eligible for Medicaid or if the service is not covered by Medicaid, that foster child or youth is entitled to the same medical, dental, vision, and behavioral health services that a foster child or youth on Medicaid is entitled to receive (Refer to Section F of this work aid). For assistance identifying services for noncitizen children and youth, the Case Manager may contact the Office of Child Health and Well-Being at noncitizenadvocacy@dss.sc.gov. 5. The South Carolina Agricultural Worker Health Program formally known as the South Carolina Migrant Worker Health Program was created to improve the health status of migrant and seasonal farmworkers and their families in South Carolina by providing and promoting culturally and linguistically competent health care and health-related services. For more information on applying for services, please refer to the following website: https://www.scphca.org/page/SCAgWHPmenu. Non-citizen victims of child trafficking who are certified by the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) or have an Office of Trafficking in Persons (OTIP) Eligibility Letter are eligible for federal benefits, including Medicaid and Children's Health Insurance Program (CHIP). Refer to Recognizing and Serving Child Trafficking Victims Policy and the Identifying and Serving Child Trafficking Victims Work Aid 16.1.
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	6. If a baby has been abandoned at a Safe Haven, refer to Safe Haven for Abandoned Babies Act, SC Code Ann. Section 63-7-40, https://www.scstatehouse.gov/code/t63c007.php and Foster Care and Permanency Policy 510.1 for procedures. If a child is under the age of 5 and of unknown parentage and is found in the United States, the child shall be a citizen of the United States until shown otherwise before attaining the age of 21. 7. Non-citizens cannot be denied licensure or approval as a Foster Parent or an ICPC Placement based solely on their status as an Undocumented Immigrant but the inability to obtain a criminal history may prevent approval or licensure. 8. If a foster child or youth has relatives in another country, the Case Manager is to contact the nearest Consular Office or Embassy for assistance in obtaining a home evaluation of the relative. The Case Manager is to use the DSS Form 30224 Notice to Foreign Consul of Child Protection Proceedings to notify the Consular Office or Embassy. 9. Non-citizen foster children or youth must have a social security card or green card in order to be eligible for John H. Chafee Foster Care Independence or Education and Training Voucher Funds. If a child or youth is a non-citizen and a victim of child trafficking, the Case Manager is to follow the procedures found in the Recognizing and Serving Child Trafficking Victims Policy and Identifying and Serving Child Trafficking Victims Work Aid 16.1 to establish the child or youth's eligibility for public benefits.
F. Step by step process for full state dollars Medical, Dental, Vision and Behavioral Health Care Services	1. If the foster child or youth is a non-citizen, please contact the Foster Care Liaison at the Office of Child Health and Well-Being at (803) 898-7788 or by emailing childhealthandwell-beingappeals@dss.sc.gov. A foster child or youth is a non-citizen if they do not have a 1) United States Birth Certificate, 2) United States Passport or 3) Certificate of Citizenship/Naturalization. 2. The foster child or youth could qualify for full or partial Medicaid (and other federal benefits such as SNAP (Supplemental Nutrition Assistance Program), TANF (Temporary Aid for Needy Families), and John H. Chafee Foster Care Independence Program Funds in certain situations. For example, Special Immigrant Juvenile Status (SIJS) can allow a foster child or

	youth to receive Medicaid. United States Department of Health and Human Services Office of Trafficking in Persons' certification can entitle a foster child or youth to receive several public benefits, including Medicaid. The Foster Care Liaison will work with the South Carolina Department of Health and Human Services to resolve Medicaid eligibility issues. 3. If a foster child or youth is not eligible for Medicaid coverage or the service is not covered by Medicaid or the Managed Care Organization, contact the Foster Care Liaison at childhealthandwell-beingappeals@dss.sc.gov to determine whether an appeal should be filed. 4. If a foster child or youth is determined not eligible for Medicaid or if the service is not covered by Medicaid, that foster child or youth is entitled to the same medical, dental, vision, and behavioral health services that a foster child or youth on Medicaid is entitled to receive. 5. The steps below outline the process for SCDSS to reimburse the provider for services provided to the child or youth in foster care. a. In establishing a provider for the foster child or youth, request that the services be billed under a self-pay rate for uninsured customers. If the provider is unable to provide the services at a self-pay rate, consider using a provider that does have self-pay rates. If a different provider is not possible, then get a statement from the provider that they do not have a self-pay rate. Also, consider using a Federally Qualified Health Center (FQHC) because FQHCs see patients on a sliding scale. FQHCs also have programs that may be able to assist foster children or youth who are not citizens. To find an FQHC in your area: https://findahealthcenter.hrsa.gov/ (search South Carolina). b. Submit a letter of guarantee of payment to the provider. The letter will be signed by your Regional Contract Administrator. c. Obtain a detailed billing invoice from the provider and have the provider send a hard copy to the Office of Child Health and Well-Being, as indicated in the letter. d. Complete a County Voucher form from the county the foster child or youth is from. e. Submit the statement that the provider does not have a self-pay rate, a detailed billing invoice, and a county voucher form to the business manager in the county office.
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	f. The county office business manager will process payment to the provider using Social Services Block Grant funds. If the county needs to purchase a service on an emergency basis, even if they do not currently have enough funds in their Social Services Block Grant subaccount, the county can purchase if funds are available in the overall bank account. g. Program Development in the State Office will review the Social Services Block Grant account monthly and issue allocation to the county Social Service Block Grant fund as needed to cover this expenditure. This may mean the Social Services Block Grant subaccount will be in the negative for a short time. Should there be an issue with purchasing items on an emergency basis, the county business manager should contact Program Development in the State Office.
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