

# Best Practices for Representing Unaccompanied Children in Removal Proceedings

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# Topics for today



- Background on Unaccompanied Children



- Working with Unaccompanied Children



- Detention & Removal Process



- Immigration Law 101 & Immigration Relief Options for UACs



- Q & A

# Part I: Background on Unaccompanied Children

# Who Is an Unaccompanied Minor (UAC)?

A child who:

–has no lawful immigration status in the United States;

–has not attained 18 years of age;

–has no parent or legal guardian in the United States, *or no parent or legal guardian in the United States available to provide care and physical custody.*



# Who Are These Children?



- UACs primarily from 3 countries:
  - In 2013, Guatemala (37%), El Salvador (26%) and Honduras (30%), though include children from all over the World
- 73% male and 27% female in 2013
- In 2013, 24% were under 14 years old

# Why Are Children Coming to the U.S.?

- Children have many reasons for coming to U.S. but researchers consistently cite increased violence in Honduras, El Salvador and Guatemala as primary recent motivation, particularly gang or cartel violence
- Other reasons for migrating include poverty and family reunification

For further information, see American Immigration Council, *Children in Danger: A Guide to the Humanitarian Challenge at the Border* (July 2014): <http://www.immigrationpolicy.org/special-reports/children-danger-guide-humanitarian-challenge-border>

# Part II: Working with Unaccompanied Children

# Attorney-Client Relationship/Ethics

- Remember, the child (not adult) is your client.
- You owe her the same duties of confidentiality, zealous advocacy, and communication that you owe an adult.
  - But there are some major differences including: logistics, time and patience required, and capacity to consent
- Your duty is to advise the child about her legal options and represent her stated/expressed interest.
- Do not disregard your client's views in favor of what you might think is in her "best interest."

# Logistical Considerations

- Effect of past trauma on current behavior
  - Anxiety
  - Insecurity
  - Inability to “relive” past trauma
- Child’s circumstances (age, lack of financial security, lack of education, etc.) often impact a child’s ability to understand that there are consequences, good or bad, to the actions they take
  - Result: Child asylum clients are often at higher risk than adult clients for engaging in bad behavior
  - Impacts their understanding/ability to accept rules of professional communication with an attorney

# Logistical Considerations: Meetings

- Schedule Meetings with Client:
  - ALWAYS REMEMBER THEY HAVE PROBABLY NEVER DEALT WITH ANY PROFESSIONAL BEFORE YOU!
  - Expect that they may not show up to all scheduled meetings on time, will miss meetings altogether, and will forget to bring vital documents with them
  - Help organize them by always putting meetings in writing, and try to call to remind a day before
  - Give them a folder or envelope to keep all documents related to case
  - Be mindful of financial considerations for UAC and family when scheduling meetings
  - Be patient and flexible, but know your boundaries

# Interviewing Children and Youth

Keep in mind that many of these children and youth have experienced trauma and trauma affects behavior!

Initial meeting with any non-infant/toddler client should be alone with child.

## Assess

Considerations for communication: language, educational level, chronological age versus developmental age, mental health issues

# Interviewing Children and Youth

## Introduction

- Obtain as much information as possible before interview
- Define role (meaning and limitations of relationship)
- Explain reason for meeting
- Confidentiality in child friendly terms
- Guidelines for interview

### Other tips:

- Give child as much control as practicable
- Avoid typing while doing initial meetings
- Allow your notes to be visible

# Interviewing Children and Youth

## Interview

- Continually check in
- Non-judgmental stance and reactions
- Speak to the facts (“when your parents abused...” vs. “when your parent hit you...”)
- Don’t forget to consider age and maturity when formulating questions
- Be gentle, but ask direct open ended questions
- Avoid legalese
- Explain again, again, and again...

## Wrap-Up

- Remind child of short and long term goals
- Review next steps
- Ask the child if he or she has questions
- Ask the child to repeat back to ensure understanding
- Check in about child’s emotional state
- Make appropriate referrals (e.g. child abuse hotline, emergency shelter, 911, local health center)

# Ability to Consent to Representation

- Absent indicia of capacity concerns beyond age alone, capacity to consent for representation is presumed
- Sample questions for determining consent:
  - Do you want me to help you stay here in the U.S.?
  - Can I help you in the courtroom? Can I help you at your asylum interview?
  - Do you want my help to tell the judge why you want to stay here?

# Working with Children and Youth

## Managing Relationships with Adults

- With children come adults- facility staff, sponsors, extended family, other professionals
- Remember that the child is the client!
- Remind both child and adult caregiver that child is client.
- Make referrals for adults when appropriate.

# When There Are Concerns

- This is an especially vulnerable group of children (status, language, knowledge and access to resources)
- Child is the client!
- Equip child with referrals to address non-legal needs
- Unconditional support

# Screening the Child's Case

- Screen for relief, to be certain (especially Special Immigrant Juvenile Status and asylum).
- But also screen for options to terminate removal proceedings (suppression of statements, insufficiency of I-213 to establish alienage, failure to provide timely I-770 – also look at improper Notice to Appear service).
  - When you take on representation, you must consider and advise on these options

# Screening the Child's Case

- When child appears eligible for multiple forms of relief
  - Grounds of inadmissibility: do any grounds of inadmissibility apply? Can they be waived with certain forms of relief?
  - Process: will child have to go through lengthy interview process or provide extensive testimony? Will child have to contact family members in home country? How long will it take to pursue different forms of relief
  - Family Members: does child want to include parents, siblings as derivatives?
  - Ability to travel outside of U.S.
  - Strength of different claims

# Part III: Detention & Removal Process

## ICE/CBP Arrest



- Vast majority of child apprehensions occur at the border.
- Internal apprehensions:
  - ICE may coordinate with local police, juvenile probation or detention officers;
  - Detainers: immigration hold while juvenile is completing sentence;
  - Denial of applications for immigration benefits.

## ICE/CBP Processing Station

- At the border, CBP screens all children for fear of return/human trafficking.
  - If child is from a contiguous country (Mexico, Canada) and is determined not to be in need of protection, they are voluntarily returned.
  - Children from non-contiguous countries, e.g., Central America, are usually transferred to ORR custody.
- Both CBP & ICE must make a determination at arrest whether the child is “unaccompanied.”
  - Unaccompanied means a child who has no lawful imm status in the U.S., is under 18 years of age, & has no parent or legal guardian in the country present or available to provide care & physical custody.
  - If determined to be a UAC, the child must be transferred to ORR within 72 hours (as req’d by TVPRA).
- Charged with immigration violations.
- No counsel provided and if you have counsel, not typically allowed at this stage.
- Risk of losing right to hearing.
  - Pressured to sign documents giving up right to hearing.
- Consular assistance - Vienna Convention.

## Juvenile or Criminal Prosecution

- Deportation process happens simultaneously or after prosecution/adjudication.



## Detention: ICE or ORR

- Facilities can be federal, local/county, private.
  - Little is known about ICE facilities and they are generally secure.
  - ORR facilities include shelters, staff secure, secure, or therapeutic.
- Very little control over transfer.
- Juvenile delinquency, drugs, suspected gang affiliation, or any indication that minor is a flight risk increases likelihood of detention in secure setting.
- UACs should receive KYR and legal screening while detained.
- If child turns 18, will likely be transferred into ICE custody.

## Release

- Process may happen concurrently w/ imm court.
- While in ORR custody, a parent, relative or friend fills out reunification packet and is approved or denied.
- Option of federal foster placement if no sponsor is identified and legal services provider confirms eligibility for imm relief.



## Deportation

If immigrant has a final administrative order of deportation/removal, and no stay of deportation, ICE may deport him/her. Consulate usually issues travel documents first.

## Immigration Court System

- No right to counsel at the gov’t expense at Immigration Court or Appeals Court.
- Immigration Judge makes decision to deport and/or grant relief (lawful imm status), but USCIS has initial jurisdiction to consider Special Immigrant Juvenile Status (SIJS) and asylum applications.
- If granted voluntary departure, UAC not req’d to pay own return.
- Immigration Judge is DOJ employee.
- Appeal to Board of Immigration Appeals within 30 days.
  - Can be detained throughout appeal.

## Federal Courts

- Circuit Courts of Appeal are extremely limited as to what immigration cases they can review.

# Detention System for Children

- Children detained by immigration are treated differently than adults
  - *Flores* Settlement
  - Homeland Security Act of 2002
  - The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA)
- All children entitled to:
  - Least restrictive setting while in federal custody
    - All placements must meet state licensing standards, not commingled with adults, provided education, medical care, etc.
  - Release from custody to a sponsor (parent, guardian, relative, other adult willing to care for child, licensed entity)
- But even once released, children are in removal (deportation) proceedings in Immigration Court

# Immigration Court Basics

- **Immigration Court** is an administrative court of the Department of Justice, Executive Office of Immigration Review (EOIR).
- **Immigration and Customs Enforcement (ICE)** is the agency responsible for enforcement of immigration laws and they are represented in Immigration Court by the **Office of Chief Counsel (OCC)**. The OCC acts as a prosecutor in immigration cases.
- The **NTA (Notice to Appear)** is the charging document in Immigration Court alleging that your client is in violation of an immigration law.
  - Usually minors are charged with entering the U.S. without inspection. If the minor admits these charges, he can be removed to his or her country of origin unless he applies for a form of immigration relief.

# Change of Venue

- Children are generally expected to file *pro per* Motions to Change Venue if their NTAs were filed prior to their release from ORR custody and they are being released to a different jurisdiction than where they were detained
  - Note that children should not generally have to plead to their NTAs in order to change venue
    - See <http://www.justice.gov/eoir/efoia/ocij/oppm07/07-01.pdf>
- ICE is currently delaying the filing of the NTA for 60 days after children are detained so COV may not be required in most cases

# Rights in Removal Proceedings

- Representation at no expense to the Government. INA 240(a)(4)(A).
- List of available legal services. 8 CFR 1003.61
- Contacting consulates. 8 CFR 1236.1(e).
- Translation. 8 CFR 1240.5
- Right to examine and present evidence, call witnesses, etc. INA 240(a)(4)(B).
- Right to Due Process.

# Procedural Differences for Children

- The immigration court has created some different procedures for children in Court:
  - Some jurisdictions including San Francisco immigration court have created specialized juvenile dockets
  - There are special guidelines for judges to use in cases with unaccompanied children
    - See May 2007 EOIR Guidelines at <http://www.justice.gov/eoir/efoia/ocij/oppm07/07-01.pdf>
  - Since the increase in the number of unaccompanied children, courts have began “expediting” these cases. This is referred to as the “rocket docket.”

# Immigration Court Basics

- To represent a minor in Immigration Court, **you must register with EOIR and file an E-28 (EOIR-28)** – Notice of Entry of Appearance as Attorney before the Immigration Court.
- To register with EOIR, it's a 2 step process:
  - First, you must register online at <http://www.justice.gov/eoir/engage/eRegistration.htm>. You'll receive an email that registration is in process.
  - Second, you have to bring your photo ID to the Immigration Court at 120 Montgomery St, 7<sup>th</sup> Floor M-F from 8:30-11:30 or 1:30-3:30 to complete the registration process. Once you have registered, you will receive an email with your EOIR ID number which you will need to include on the E-28 and all court filings.

# Immigration Court Basics

- After registering with EOIR, you can file an [E-28](#), notice of Entry of Appearance as Attorney with the Immigration Court (can be done online)
  - The hard copy of the E-28 should be printed on green paper
  - You should file prior to the hearing date if at all possible
  - Don't forget to serve a copy on the government

# Types of Hearings for Children in Immigration Court

- Master Calendar Hearing(s)
  - Request continuance for attorney preparation
  - Plead to the charges in the NTA
  - Discuss legal issues
  - Request relief from removal
  - Schedule deadlines for documents, briefing, and individual hearing
  - Note that at Master Calendar hearings, many matters (sometimes 30 or so) are set at the same time and the courtrooms are very crowded and you may have to wait a long time to be called

# Types of Hearings for Children in Immigration Court

- Individual Hearing(s)
  - Present case for relief, including witnesses, direct & cross examination
  - Object to evidence proposed by DHS if appropriate
  - Give closing statement if appropriate
  - Immigration Judge (IJ) will decide case

# Immigration Court Basics

- It is extremely important that your client attend all immigration hearings unless the court has specifically waived the minor's presence
  - If a client does not attend court, he can be ordered removed/deported in absentia
- If your client has a master calendar hearing while the SIJS process is pending, the asylum application is pending at USCIS, etc., may file a motion to continue or administratively close the removal proceedings so that you and your client do not have to attend court just to request a continuance
  - See EOIR's practice manual for detailed information on filing requirements and timelines for Motion to Continue  
[http://www.justice.gov/eoir/vll/OCIJPracManual/ocij\\_page1.htm](http://www.justice.gov/eoir/vll/OCIJPracManual/ocij_page1.htm)

# Immigration Court Basics

- **Administrative Closure** – procedure to remove the case from the Court’s calendar
  - Does not permanently terminate the case or change the NTA
  - Generally done when awaiting something that the Court does not have jurisdiction over (e.g. waiting for a UAC asylum petition, SIJS, U, or T visa petition to be adjudicated by USCIS)
  - When ready to proceed with case, a party must file a motion to re-calendar
  - Can be granted over objection by ICE
    - *Matter of Avetisyan*, 25 I&N Dec. 688 (BIA 2012)

# The “A” File

- If your client is in removal/deportation proceedings, ICE will have information regarding your client’s detention, interviews with your client and any admissions your client may have made and other relevant info in the client’s Alien (“A”) file.
  - Two important documents included:
    - NTA: lists the inadmissibility section that ICE believes your client falls under
    - I-213 “Record of Deportable Alien”: includes info on how client was detained, admissions client made at time of detention, criminal charges against client, etc.
    - Both of these documents will generally be introduced in Immigration Court by ICE at the time of adjustment hearing

# The “A” File

- To best prepare, it is recommended that you file a FOIA request to get a copy of your client’s file from ICE to have a better sense of what information ICE already has about your client.
  - The FOIA request is filed on Form G-639
  - But note that it can take a very long time to receive the results of your FOIA request and you may have to go forward without it
  - And note that if you are putting the Government to its burden to establish alienage, do not admit alienage on G-639

# The ORR File

- All Unaccompanied Minors who were placed in the custody of the Office of Refugee Resettlement for a period of time before being released have an ORR file
- You can request a copy of the ORR file for your client which is separate and distinct from the ICE file
  - The ORR file may include the client's NTA and some other documents from ICE but will also include a screening from staff at the facility, medical records about vaccinations, school records, a birth certificate and other information.
  - See <http://www.acf.hhs.gov/programs/orr/resource/requests-for-uac-case-file-information> for information on how to request a copy of your client's ORR file

# Who Will Be in Immigration Court?

- The Immigration Judge (“IJ”)
- A Trial Attorney (“TA”) representing the federal government (“Immigration & Customs Enforcement”)
- A Spanish interpreter
  - If your client speaks a different language, you will need to inform the court at the first hearing so that they can request alternate interpretation
- The Immigration Judge’s clerk
  - The clerk will call cases and produce your next hearing notice
- Your client
  - Children are required to appear in Immigration Court, regardless of their age, unless the IJ has specifically waived their presence
- Family Members
  - Family members may also be present in the courtroom during proceedings
- You!

# How to Prepare for your first Master Calendar Hearing

- Sign child-friendly retainer agreement with your client
- Review Notice to Appear (“NTA”) with your client
  - The NTA is the charging document in Immigration Court that initiates removal proceedings
  - The client should have a copy of the NTA, otherwise a copy can be obtained from the government attorney or the Court
  - NTA must specify certain information
  - “Respondent” (your client) is the individual against whom an NTA is issued
- Identify which form(s) of relief you will be seeking

# How to Prepare your Client for their first Master Calendar Hearing

- Review with your client who will be in court
- Let them know what will happen and what will not happen at their first hearing
  - i.e. “There is no risk that you will be deported at your first hearing”
  - i.e. “Your hearing may be very short, about 5 minutes, and I will do most of the talking”

# How to Prepare your Client for their first Master Calendar Hearing cont'd

- Remind them how they should act in court:
  - Client should always tell the truth. Lying in court is a crime in the U.S.
  - Client should tell the court if they don't understand a question. It is better to say "I don't understand" or "Can you repeat the question?" than to answer a question incorrectly.
  - Client should sit upright and speak to the IJ with respect. Remind your client that the IJ is the person who will decide their case.
  - If client's best language is Spanish, let them know that they should speak only in Spanish in court (it will confuse interpretation if they use a mix of Spanish & English).
  - Client should respond to yes-or-no questions with "Yes" or "No." The proceedings are recorded, so a movement of the head will not suffice. It is also not appropriate to use slang in court (e.g. "Simon, guey")

# How to Prepare your Client for their first Master Calendar Hearing cont'd

- Confirm a few weeks in advance, and then again the day before your hearing that client knows the date, time and location of their hearing. Provide them with a way to contact you if they are running late, etc.
- Remind your client of the consequences of failing to appear.

# What to Expect at your First Master Calendar Hearing

- Before the docket begins, you should check in with the clerk using your client's Alien number (A#)
- If you need to file an E-28, file the original with the clerk and serve a copy on the government attorney.
  - Note that all filings in Immigration Court must be 2-hole punched or they will not be accepted.
- If you inform the clerk that you are appearing *pro bono*, the clerk will often call your case first
- The court will call cases by the last three digits of the Respondent's Alien number (A#)
- When your client's case is called, you can be seated at counsel table opposite the government attorney, with your client by your side

# What to Expect at your First Master Calendar Hearing

- The IJ will ask you to “state your appearance”:
  - “Rachel Prandini, appearing *pro bono* on behalf of the Respondent”
- At your initial appearance, the IJ will ask for an update on the case and whether you are prepared to plead.
  - You can typically request one initial continuance for “attorney preparation” before you plead (varies based on the IJ)
    - “Your honor, I am not prepared to plead today. I just recently accepted representation of this case *pro bono* and need to request a continuance for attorney preparation time. I would like to request a [three] month continuance at this time.”
  - The IJ should grant your continuance, and the clerk will issue you a hearing notice for your next hearing- don’t leave court without it!
    - Be sure to inform your client of the next hearing date and send them a follow-up letter with the information as well.

# Notice to Appear

- Likely have to enter pleadings to the NTA at the first or second Master Calendar Hearing
- Preparing to enter pleadings to the NTA:
  - Carefully review the NTA for facial inaccuracies. If you find inaccuracies, move to amend the NTA.
  - DENY allegations that you wish to contest.
  - DENY allegations and charges of removability related to criminal history (typically not an issue for UACs).
  - Conceding removability waives Respondent's ability to challenge removability down the line.
- Remember that ICE has the burden to prove alienage by clear, unequivocal and convincing evidence
  - *Woodby v. INS*, 385 U.S. 276, 277 (1966)
  - When in doubt, deny allegations and charges, and hold the government to their burden of proof

# Sample Notice to Appear

U.S. Department of Homeland Security

Notice to Appear

**In removal proceedings under section 240 of the Immigration and Nationality Act:**

Subject ID : 285175357

FIN #:

File No: 000-000-000

DOB: 08/11/1994

Event No:

In the Matter of:

Respondent: Gonzalez, Jose

currently residing at:

CRITTENTON SERVICES 600 N. HARBOR BLVD. , FULLERTON CALIFORNIA 92832

(Number, street, city and ZIP code)

(Area code and phone number)

1. You are an arriving alien.  
 2. You are an alien present in the United States who has not been admitted or paroled.  
 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of MEXICO and a citizen of MEXICO;
3. You entered the United States at or near Nogales, Arizona, on or about July 30, 2010;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

**212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.**

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.  
 Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30(f)(2)  8CFR 235.3(b)(5)(iv)

**YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:**  
**606 South Olive Street, 15 Floor Los Angeles CALIFORNIA US 90014**

(Complete Address of Immigration Court, including Room Number, if any)

on a date to be set at a time to be set to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

Date: September 28, 2010

LOS ANGELES, CA.

(Signature and Title of Issuing Officer)

This Notice to Appear supersedes the Notice to Appear issued on August 7, 2010 (City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07)

# Pleading to the NTA

- Pleadings can be stated orally or in writing. Typically, they are done orally.
- The IJ will ask if you concede proper service and waive a formal reading.
  - “Yes” or “No”
  - “So waived” or “No”
- The IJ will ask that you Admit or Deny the factual allegations as they appear on the NTA.
  - “The Respondent admits factual allegations 1 through 4” or “The Respondent denies factual allegations 1 through 4”, etc.

# Pleading to the NTA

- The IJ will ask that you Contest or Concede the charge of removability.
  - “The Respondent concedes removability” or “The Respondent contests removability”
- The IJ will ask you to designate a country for removal. A Respondent can decline to designate a country for removal. This is often done when the individual fears returning to their country of origin. If your client declines to designate, the IJ will then designate the country of removal based on the government’s recommendation.
  - “Respectfully decline to state”

# Example

*“Respondent admits the factual allegations 1&2, denies allegation 3 as charged and counter-alleges an entry date of February 10, 2014 near San Ysidro, and admits allegation 4. Respondent concedes removability as charged.”*

**The court finds that removability has been established by clear and convincing evidence, what relief will you be seeking?**

*“Respondent will be seeking adjustment of status based on Special Immigrant Juvenile Status and Asylum, withholding of removal, and relief under CAT in the alternative.”*

# You pled to the NTA, now what?

- State which forms of relief your client is seeking
- Confirm best language of your client
- Confirm Client Address
- Receive any filing deadlines from the Court
- Receive Biometric Instructions from government attorney

## You may receive deadlines for:

- Filing of application
- Filing of documents in support of application
- Filing of briefs
- New hearing date

# Possible Outcomes in an Immigration Court Case

- Relief is granted (e.g. adjustment of status, asylum)
- Removal proceedings terminated
  - Prosecutorial discretion
  - Procedural challenges
- Child ordered voluntarily returned
- Child ordered removed

# Removal Order vs. Voluntary Departure

- Voluntary Departure – agree to “voluntarily” return to home country to avoid the negative consequences that result from order of removal
  - INA § 240B
  - Can return to U.S. if have a legal way to do so in the future – no 5, 10, 20 or permanent bar
  - TVPRA allows UACs who are eligible for voluntary departure to be returned at government expense § 235(a)(5)(E)(ii)
    - Adults and non UACs must pay for own transportation

# Right to Appeal

- Appeals from Immigration Court are made to the Board of Immigration Appeals (“BIA”), the highest administrative body interpreting immigration law
- Generally, BIA does not conduct courtroom proceedings
- BIA must receive the notice of appeal **within 30 days of the IJ’s decision**
- For more information, see BIA Practice Manual:  
<http://www.justice.gov/eoir/vll/qapracmanual/apptmtn4.htm>

# Motion to Reopen

- Need a complete copy of the child's immigration court file in order to assess whether, where and when to file her Motion to Reopen
- Request a copy through a FOIA to EOIR
  - EOIR does not have a special FOIA form
  - Review Immigration Court Practice Manual Chapter 12 and [www.justice.gov/eoir/mainfoia.html](http://www.justice.gov/eoir/mainfoia.html) for more information
- May want to prepare an I-246 stay of removal packet to halt the child's deportation
  - But evaluate whether wise to put the child on ICE's radar by filing the I-246

# Motion to Reopen

- Generally must be filed within 90 days of final order
  - If the Motion to Reopen was issued *in absentia*, limit is 180 days
    - If *in absentia* order was issued because the child did not receive proper notice of the hearing or was in state or federal custody and the failure to appear was not her fault, there is no time limit
  - No time limit on Joint Motions to Reopen or ICE Motions to Reopen
    - ICE is required to join Motions to Reopen for youth with an approved I-360 under certain circumstances under *Perez-Olano* Settlement Agreement

# Motion to Reopen

- *In absentia* removal orders
  - Special rules apply to Motions to Reopen *in absentia* orders
    - See Immigration Court Practice Manual 5.9 and 8 CFR § 1003.23 for more details
  - Note that the filing of a Motion to Reopen an *in absentia* order automatically stays deportation
  - There is no fee for filing a Motion to Reopen an *in absentia* removal order

# Motion to Reopen

- Motion to Reopen is filed with the Immigration Court location that issued the removal order
  - If this is not your local court, may want to include a motion to change venue as well
- Immigration Court Practice Manual lists the following for the motion packet:
  - (1) Form EOIR-28;
  - (2) cover page;
  - (3) fee receipt or motion for fee waiver if applicable;
  - (4) motion to reopen;

# Motion to Reopen

- MTR Packet, cont.:
  - (5) copy of the immigration judge’s decision;
  - (6) a motion brief if applicable (not usually necessary);
  - (7) a copy of the application for relief if applicable;
  - (8) supporting documentation with a table of contents;
  - (9) Form EOIR-33/IC;
  - (10) a proposed order; and
  - (11) a proof of service.
- See Immigration Court Practice Manual 5.7 and 5.9 and 8 CFR § 1003.23 for more information on Motions to Reopen

# **Part IV: Immigration Law 101 & Immigration Relief Options**

# Immigration 101: Forms of Relief Available to Minors

There are four main forms of relief from deportation available to Unaccompanied Minors:

- Special Immigrant Juvenile Status
- Asylum
- U Nonimmigrant Status (U Visa for victims of crimes)
- T Nonimmigrant Status (T visas for victims of trafficking)
- Violence Against Women Act (VAWA)
- Family Immigration

# Special Immigrant Juvenile Status

- Special Immigrant Juvenile Status (SIJS) is a form of relief for children who:
  - Are under 21
  - Are unmarried
  - Have been abused, abandoned or neglected by one or both parents
  - Are under the jurisdiction of a state juvenile court
- Once SIJS is granted, youth is immediately eligible to adjust status (apply for a green card)
  - Being a lawful permanent resident/green card holder is the best immigration status short of being a U.S. citizen

# SIJS Basics: Statutory Authority

- The Immigration and Nationality Act at § 101(a)(27)(J), codified at 8 USC § 1101(a)(27)(J)
- This statute is in turn implemented by standards set out in federal regulations, found in the Code of Federal Regulation at 8 CFR § 204.11
  - CAUTION: the regulations have not yet been updated to reflect changes made to the underlying Special Immigrant Juvenile statute, which was significantly amended in 2008 by the Trafficking Victims Protection and Reauthorization Act (TVPRA) of 2008, Pub. L. No. 110-457, 122 Stat. 5044

# SIJS Basics: Steps of a SIJS Case

1. Seek an order from a state court making the three findings required for SIJS;
2. Apply for a Special Immigrant Juvenile visa with U.S. Citizenship and Immigration Services (USCIS) using Form I-360;
3. Apply for adjustment of status (a green card) using Form I-485 either with USCIS or in the Immigration Court.

# SIJS: Juvenile Court

- To apply, child must have factual findings from a “juvenile court”
  - Juvenile court defined as “any court located in the United States having jurisdiction under State law to make judicial determinations about the custody and care of juveniles.” 8 C.F.R. § 204.11(a)
  - Examples: dependency/foster care, probate/guardianship, delinquency, family court (custody, paternity or divorce)
- Juvenile Court must find:
  - Reunification with one or both of the child’s parents is not viable due to abuse, abandonment, neglect or similar basis under state law; and
  - It is not in the child’s best interests to return to his or his parent’s country of nationality

# SB 873

- On September 27, 2014, California Governor Jerry Brown signed into law Senate Bill 873
  - Clarifies state court roles in considering Special Immigrant Juvenile Status (SIJS) petitions filed by immigrant children in state courts

*"Helping these young people navigate our legal system is the decent thing to do and it's consistent with the progressive spirit of California." – Gov. Brown*

# SB 873

- For SIJS petitions in state court:
  - Eliminates any ambiguity that California Superior Courts, *including family courts*, have jurisdiction to make the findings necessary for SIJS;
  - Creates an affirmative responsibility of Superior Courts to make the SIJS findings when there is evidence to support those findings;
  - Clarifies that the evidence to support the SIJS findings may consist of (but is not limited to) a declaration by the child;

# SB 873

- Lists the specific SIJS findings that a court order should include and makes clear that when requested, the court may make additional findings;
- Increases confidentiality protections for proceedings in which SIJS findings are requested;
- Clarifies that courts may provide interpreters in proceedings requesting SIJS findings.

# SIJS: Juvenile Court

- If the child already has an open dependency, delinquency, probate or family court case, can file a request for SIJS findings in those proceedings
  - If the child does not have an open case in state court but would become SIJS-eligible through a legal guardianship or custody petition, you must file for and establish the guardianship or custody in order to request SIJS findings
- Most Unaccompanied Minors have recently arrived to the United States and will not have an open case in juvenile court. This means that you will need to file a petition in state court to request the SIJS findings.

# SIJS: Abuse, Abandonment & Neglect

- Some examples of children for whom reunification with 1 or both parents may not be viable due to abuse, abandonment, neglect, or a similar basis include:
  - A child whose parents are deceased and whose adult sibling is caring for her.
  - A child who experienced domestic violence in the home and who is now living outside the home.
  - A child who was abandoned by his parents and who now lives in a foster home.
  - A child who was abused by one parent and who is living safely with the other parent or another family member.

# One-parent SIJS

- One-parent SIJS: reunification not viable with *one or both parents*
  - Although USCIS has issued guidance indicating that cases where reunification is not viable with only ONE parent satisfy the statute, state courts continue to grapple with the interpretation of this language
  - You could confront this issue when, for example, a child is safely residing with their mother in the United States but was subject to physical and emotional abuse by their father in their home country

# One-parent SIJS

- One-parent SIJS: reunification not viable with *one or both parents*
  - There are some published state court decisions interpreting the language to require failed reunification with only one parent (e.g. New York - *Matter of Mario S.*, 2012 Slip Op 22336 (N.Y. Fam. Ct. Nov. 21. 2012)).
    - There are also published state court decisions interpreting the statutory language to require failed reunification with both parents (e.g. Nebraska – *In re Interest of Erick M.*, 284 Neb. 340, 820 NW 2d. 639 (2012))
  - There is currently no binding guidance on this in the state of California, but a USCIS Fact Sheet, SB 873, and the Judicial Memo implementing it support the argument that reunification must not be viable with only ONE parent
    - Means that child could be safely residing with the other parent and still be eligible for SIJS

# SIJS: Best Interests

- For this requirement, both the downsides of the child returning to her home country and the upsides of remaining in the U.S. are relevant. For example:
  - Child fears retaliation by abusive family members in home country.
  - Child has no responsible family members to provide her with care and protection in home country.
  - Child will have no access to medical, educational or social services in home country.
  - Child is acculturated to life in the U.S., has been educated in the U.S., etc.
  - Child’s personal ties, e.g., guardian, siblings, supportive relatives, in U.S.
- The Judicial Memo implementing SB 873 notes that in making the best interests determination, the state court can focus on circumstances shown by the evidence presented regarding the child’s life and relationships in the U.S. and in his or her country of origin and need not become an expert on conditions in foreign countries

# SIJS: State Court Predicate Order

- In Juvenile Court (dependency or delinquency), the SIJS predicate order is a judicial council form: JV-224.
- In Probate Court, the SIJS predicate order is another Judicial Council form: GC-224.
- In Family Court, there is no Judicial Council form and the SIJS findings must be made on pleadings.
- Once the order has been granted, take it to the clerk's office to be filed and request a certified copy (which you will submit to USCIS). This certified copy should be free if the minor has a fee waiver.

# SIJS: Common Issues in Probate Court

- Age-out cases
  - Temporary Guardianships
- Completing notice to family members
  - Hague Convention
- Guardianship Investigation Report not completed in a timely fashion
- Lack of familiarity with SIJS
- Judge finds evidence in support of SIJS request to be “self-serving”

# SIJS: Common Issues in Family Court

- Jurisdictional issues
  - UCCJEA “Home State”
- Age-out cases
- Need for Guardian Ad Litem
- Completing notice to family members
  - Hague Convention
- Lack of familiarity with SIJS
- Judge finds evidence in support of SIJS request to be “self-serving”
- Concern about “collusion” in uncontested cases
- Issue with interpretation of “one or both parents”

# SIJS: I-360 Petition

- Form I-360: the I-360 is a relatively simple form, much of which does not apply to SIJS applicants and should be left blank
- I-360 Filing Packet includes:
  - Cover Letter: use as table of contents for your supporting documents
  - G-28 Notice of Entry of Appearance (on blue paper)
  - I-360 Petition (current versions of all USCIS forms can be downloaded at [www.uscis.gov/forms](http://www.uscis.gov/forms))
  - Case Summary: briefly highlight the facts of the child's story that make them eligible for SIJS
  - State Court Predicate Order
  - Birth Certificate with English Translation
- The I-360 “Petition for Amerasian, Widower or Special Immigrant” is always filed with USCIS regardless of whether the youth is in removal (deportation) proceedings or not

# SIJS: Adjustment of Status

- If the I-360 is approved and the child is in removal proceedings, you should file a Motion to Terminate the removal proceedings (see if the government will join in your motion or not oppose it)
  - This allows the child to apply for a green card in a non-adversarial setting
  - If not, you can apply for a green card in Immigration Court
- With an approved I-360, the child is immediately eligible to file the I-485 “Application to Register Permanent Residence or Adjust Status” to apply for a green card

# SIJS: Filing the I-485 with USCIS

- If immigration proceedings are terminated, you may file the I-485 with USCIS
- The I-485 packet filed with USCIS includes:
  - Cover Letter
  - Fee Waiver Request: Form I-912
  - I-485, Application for Adjustment of Status
  - G-325A Biographical Form
  - Copy of I-360 Approval Notice
  - I-693 Medical Report
  - Copy of IJ's Order Termination Proceedings
  - Optional: Declaration from Applicant

# SJS: Filing the I-485 in Immigration Court

- If Immigration Court proceedings are not terminated, you must file the permanent residency application with the Immigration Court. You should include:
  - Cover Page
  - I-485, Application for Adjustment of Status
  - G-325A, Biographical Form
  - Copy of I-360 approval notice
  - Birth Certificate with English Translation
  - EOIR Fee Waiver Request
- When you file at a master calendar hearing, the judge will set an individual/merits hearing for you at that time

# SIJS: Immigration Stage

- When filing the I-485 you must look out for inadmissibility issues (things that might bar the youth from getting a green card)!
  - For example, if client was forced to carry drugs across the border, government could argue inadmissible under “reason to believe drug trafficker” ground (INA 212(a)(2)(C)).
  - Note that many grounds of inadmissibility do not apply to youth with SIJS
    - See [http://www.ilrc.org/files/inadmissibility\\_2009.pdf](http://www.ilrc.org/files/inadmissibility_2009.pdf)

# After Filing I-485 in Court

- Once you file the adjustment of status application with the Immigration Court, you must also mail a copy to the USCIS Texas Service Center. Be sure to include a copy of the order granting the fee waiver.
  - See <http://www.uscis.gov/files/article/PreOrderInstr.pdf>
- You will receive a receipt notice and your client will receive a biometrics appointment
  - At biometrics appointment, USCIS will take photograph and fingerprints, and ask your client to provide a signature
- Your client will need to get an “immigration physical” conducted by a USCIS Civil Surgeon before their adjustment hearing
  - The results must be presented to the government attorney in a SEALED envelope with the I-693 Civil Surgeon Exam

# Preparing for Adjustment of Status Hearing in Immigration Court

- If your client has negative discretionary issues such as arrests, juvenile justice involvement, gang involvement, etc., you should supplement the I-485 adjustment of status application with a pre-trial brief and other positive discretionary evidence (e.g., Letters of support, grades, diplomas, certificates from school, probation programs, community service, etc.).
- Juvenile arrests have to be disclosed, but in California, juvenile court documents, including dispositional records, are confidential.
  - You cannot disclose these documents to USCIS or the Immigration Court without getting permission from the juvenile court.
  - See ILRC Practice Advisory, [DACA and Juvenile Delinquency Adjudications & Records: FAQs](http://www.ilrc.org/resources/daca-and-juvenile-delinquency-adjudications-records-faqs) at: <http://www.ilrc.org/resources/daca-and-juvenile-delinquency-adjudications-records-faqs>

# Preparing for Adjustment of Status Hearing in Immigration Court

- If your client adjusts status in Immigration Court, it will be an evidentiary hearing. You can present your client as a witness and should prepare a direct examination of your client.
- Depending on whether there are negative discretionary issues (juvenile justice charges, gang involvement, etc.), the direct may only be a couple of minutes or may be much longer.
- You should also prepare your client for cross examination.
- It is very important to practice thoroughly with your client so that he feels comfortable in court.
- If your client has negative discretionary issues, you may wish to call other witnesses (e.g., social worker, guardian, teacher, mentor, etc.). Follow EOIR practice manual for witness list requirements.

# Adjustment of Status Hearing

- At the adjustment of status hearing, the Immigration Judge will review all of the procedural history of the case and enter documents into evidence
- Then the hearing will proceed with direct and cross examination of your client and any other witnesses. The judge may also question the witnesses.
- The judge will generally make a decision on the same day of the hearing and will issue an order. If the judge grants adjustment of status, you will be provided with instructions on getting your client's residency card from USCIS.
  - Make sure to check the order to ensure that your client's complete name appears and is spelled correctly

# Post Residency/Green Card

- Once your client is granted permanent residency and receives his green card, you should review with him his rights and responsibilities
  - See [www.welcometousa.gov](http://www.welcometousa.gov) but also consider using a child-specific guide such as the one available at [http://www.ilrc.org/files/youth\\_handbook\\_english.pdf](http://www.ilrc.org/files/youth_handbook_english.pdf)
- Note that if you helped the minor petition for a probate guardianship, you should plan to address any future Annual Status Reports (until the minor turns 18) or obtain the court's permission to withdraw
- Note that children granted SIJS are prohibited from later filing any immigration applications on behalf of their parents

# Asylum

- Asylum protection is available to “refugees” as defined under U.S. law
  - A refugee is a person with a well-founded fear of persecution on account of race, political opinion, religion, nationality or membership in a particular social group. INA §101(a)(42)(A)
- Elements of asylum claim:
  - Well-founded fear of
  - Persecution
  - On account of
  - A protected ground: race, political opinion, religion, nationality, or membership in a particular social group
  - Persecutor is state actor, or state “unwilling or unable” to control private actor
  - Cannot safely or reasonably relocate within state
- Basic law governing asylum set out in INA § 208

# Asylum: A Child Specific Lens

- Children may struggle to articulate a fear
- Children may suffer child-focused forms of persecution, including family violence (within or toward the family), child trafficking, forced underage recruitment into armed conflict, forced or underage marriage, etc.
- The level of harm needed to amount to persecution may be lower for a child than an adult
- Consult key materials (USCIS AOBTC Guidelines for Children's Claims (2009), UNHCR Children's Guidelines (2009), INS Guidelines (1998)) to re-frame your view



# Asylum: Persecution

- Well-founded fear:
  - Subjective Component
    - Fear must be genuine
    - Note that child may be unable to express actual fear- rely on testimony of knowing adults and objective evidence
  - Objective Component
    - Past Persecution vs. future persecution
    - “Reasonable possibility” of suffering persecution 8 C.F.R. 208.13(b)(2)(I)
    - 10% chance of future persecution substantiates a well-founded fear (*INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987))
    - A reasonable person would experience a fear of persecution (*Matter of Mogharrabi*, 19 I. & N. Dec. at 444)

# Asylum: Persecution

- Harm of a serious nature, more than “mere harassment”
  - Serious physical harm
  - Threats to life or freedom
  - Torture
  - Rape/sexual assault
  - Servitude/slavery
  - Forced prostitution
  - Forced child marriage
  - Female genital cutting
  - Emotional or psychological harm
- Harm or threats must be considered cumulatively

# Asylum: Severity of Harm

- Standard for Children:
  - The harm a child has suffered or feared can be less than that of an adult and still qualify as persecution (AOBTC, UNHCR, DHS/INS Guidelines, *Hernandez-Ortiz v. Gonzales*, 496 F.3d 1042 (9<sup>th</sup> Cir. 2007))
- Take these factors into consideration and stress them in your case:
  - Age
  - Maturity
  - Vulnerability
  - Dependence on adults
  - Cognitive issues, other developmental issues
  - Psychological factors
  - Injury to family members
  - Violation of internationally recognized children's rights
  - Harm to child's family
  - Child's perspective

# Asylum: On Account of

- Five Protected Grounds (immutable or fundamental status or belief):
  - Race: e.g. ethnic and indigenous groups
  - Religion: e.g. wrong religion, too religious or not religious enough
  - Nationality: can include statelessness
  - Membership in a PSG
  - Political Opinion (actual or imputed): broadly defined, not just political parties; children can hold an opinion, or may also have an opinion imputed to them based on parents, family, or their actions
- Nexus:
  - Must be “on account of” one of the protected grounds
  - Mixed motives allowed, but the protected ground must be at least “one central reason” for the persecution

# Asylum: Nexus

- Nexus is the relationship between persecution and the protected ground(s)
  - This is heavily fact-dependent
- Establishing nexus
  - Motive: can prove by direct or circumstantial evidence
    - *INS v. Elias-Zaccarias*, 502 U.S. 478 (1991)
  - One central reason standard
    - INA Section 208(b)(1)(B)(i)
  - Mixed motives
    - *In re J-B-N- & S-M-*, 24 I&N Dec. 208 (BIA 2007)
- Children & nexus
  - Children may have limited understanding or information
  - Objective evidence may be important: status of children in society or family; levels of certain types of harm against children
  - Testimony of knowing adults
  - Importance of country conditions experts

# Asylum: Membership in a Particular Social Group

- Immutable or fundamental characteristic:
  - *Matter of Acosta*, 19 I&N Dec. 211 (BIA 1985)
- Socially Distinct:
  - Perceived as a group by society
  - Treated distinctly
  - *Matter of W-G-R*, 26 I&N Dec. 208 (BIA 2014); *Matter of M-E-V-G-*, 26 I&N Dec. 227 (BIA 2014); *Matter of C-A-*, 23 I&N Dec. 951 (BIA 2006)
- Particular:
  - Terms commonly understood/accepted in society; discrete and definable boundaries
  - *Matter of W-G-R*, 26 I&N Dec. 208 (BIA 2014); *Matter of M-E-V-G-*, 26 I&N Dec. 227 (BIA 2014); *Matter of S-E-G-*, 24 I&N Dec. 579 (BIA 2008)

# Asylum: Common Asylum Claims for UACs

- Gang-based threats or violence
  - Unfortunately, there is negative jurisprudence on “children resisting gang recruitment” as a PSG
- Harm suffered on account of family
- Victim of domestic violence by partner or caregiver
- Child targeted based on sexual orientation
- Child forced into prostitution or marriage
- Exploitation of child labor
- Street children

# Asylum: Child-Defined Social Groups

- Child-defined social groups
  - Age/childhood/youth + other immutable or fundamental characteristics
    - Nationality
    - Gender
    - Family
    - Sexual orientation
    - Marital status or status in domestic relationship (including within family)
    - Lack of adult supervision or protection
    - Opposition to societal norm or custom
    - Disability or mental illness
    - Government witness
  - Age/youth is immutable at any given point in time. *See Matter of S-E-G-* at 583; UNHCR guidelines

# Asylum: Failure to Protect

- Persecution must be committed by a state actor or non-state actor the government is unable OR unwilling to control
- You can establish this through:
  - Actual failure to protect
  - Futility or danger of reporting
  - Failure to protect similarly situated individuals
  - Law as it is written versus how it is enforced
- Argue that children depend on adults to protect them and to access protection

# Asylum: Safe relocation

- It is presumed unreasonable to relocate where government is the persecutor
- It is generally NOT reasonable to expect a child to relocate (AOBTC Para. 42)
- Consider age, familial ties, mental health, medical conditions, language issues, race/ethnicity issues, gender issues, means of survival
  - Your goal is to show that it was not reasonable for *this child applicant*

# Asylum: Bars to Asylum

- Bars inapplicable to UACs by statute:
  - Safe third country bar
  - One-year filing deadline
    - For non-UAC children, can argue that minor status is an extraordinary circumstance (legal disability)
- Applicable statutory bars:
  - Previous asylum application denial
  - Persecutor of others
  - Particularly serious crime/Aggravated Felony
  - Serious nonpolitical crime
  - National Security
  - Terrorism
  - Firm Resettlement
- Bars should be evaluated considering child's individual culpability, developmental stage, and factors that may negate culpability, such as duress, coercion, self-defense

# Asylum: Jurisdiction of UAC Asylum

- USCIS has initial jurisdiction over asylum applications filed by a child in removal proceedings AS LONG AS:
  - CBP or ICE designated her as an Unaccompanied Alien Child (typically, in ORR care) and CBP, ICE, or HHS has not affirmatively terminated the UAC finding
  - See 2013 USCIS Memo on Jurisdiction of UAC Asylum
    - <http://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Refugees%20%26%20Asylum/Asylum/Minor%20Children%20Applying%20for%20Asylum%20By%20Themselves/determ-juris-asylum-app-file-unaccompanied-alien-children.pdf>
- Means that even though child is in removal proceedings, you file the asylum application with USCIS
  - Seek admin closure and/or termination from the Immigration Court while you pursue asylum at USCIS

# Asylum: Proving Up the Case

- Asylum Application: I-589 (be careful!)
- Child's statement
- Witness statements (here or abroad)
- Medical report
- Psychological assessment (harm & credibility)
- Strong country conditions
- Country conditions expert
- Legal brief

# Asylum: Proving Up the Case

- Gaps & Inconsistencies in Child Testimony
  - Under-reporting (shame)
  - Fear of it “not being enough” and over-reporting
    - Probe- do not put it in a declaration if you suspect that it is an embellishment!
  - Memory loss (trauma)
  - Fear of getting someone else in trouble
  - Neurological damage (drug use)

# Other Common Forms of Relief: U Visa

- U visas (INA 101(a)(15)(U))
  - For children who have been the victim of a serious crime (e.g. battery, sexual assault, domestic violence) **in the United States** and have suffered substantial physical or mental abuse as a result, and who are willing to assist law enforcement in the investigation or prosecution of the crime
    - For children under the age of 16, a parent, guardian, or next friend may assist law enforcement by providing information on their behalf
  - Children may be eligible as victim of crime themselves or as a derivative of a sibling or parent

# U Visa

- To be eligible for a U visa, must obtain a certification from a law enforcement agency confirming that the individual was helpful or will likely be helpful in the investigation or prosecution of the case
  - The certifying law enforcement agency can include police, DA, court, CPS, etc.
  - Use Form I-918B to request law enforcement certification
- When U Nonimmigrant Status is granted, it is valid for 4 years
  - But U visa holder is eligible to apply for a green card after three years of physical presence in the U.S. while in U Nonimmigrant Status

# Other Common Forms of Relief: T Visa

- T visas (INA 101(a)(15)(T))
  - Available for people who have been victims of labor or sex trafficking
  - Requirements:
    - Victim of a severe form of trafficking in persons
    - Physically present in the U.S. on account of such trafficking
    - Compliance with any reasonable request for assistance in the investigation of trafficking
      - Not required if applicant is under 18
    - Would suffer extreme hardship involving unusual and severe harm upon removal

# T Visa

- Most children will not self-identify as a trafficking victim. Questions to ask:
  - Did the child have to work?
  - Was there force, fraud or coercion?
- Some labor trafficking possibilities: domestic servitude, restaurant work, forced to sell or transport drugs, construction, agricultural work
- When T Nonimmigrant Status is granted, it is valid for 4 years
  - But T visa holder is eligible to apply for a green card after three years of physical presence in the U.S. while in T Nonimmigrant Status

# Other Common Forms of Relief: DACA

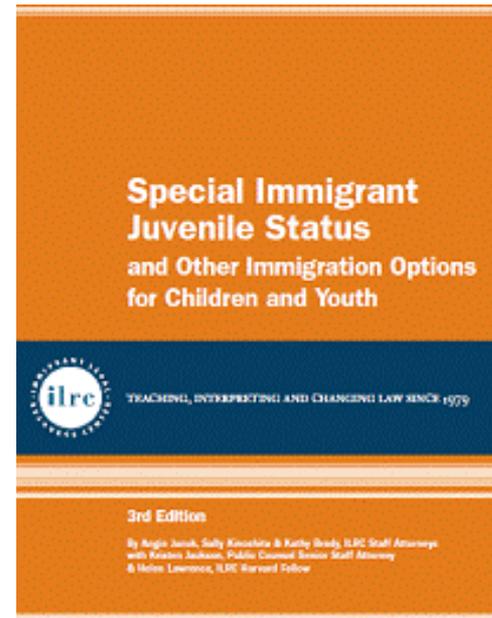
- Deferred Action for Childhood Arrivals (DACA)
  - On June 15, 2012, President Barack Obama announced that the U.S. Department of Homeland Security would not deport certain undocumented youth who had come to the United States as children. These youth can also get work authorization.
  - Recently expanded through Executive Action
  - Not available for any recent arrivals – but sometimes an option for children detained internally (e.g. via the juvenile justice system)

# Additional Resources

- “Unaccompanied Immigrant Child Resources Chart”
  - <http://www.ilrc.org/resources/unaccompanied-immigrant-children-resources>
- PLI/State Bar Training from December 2014
  - [http://www.pli.edu/Content/OnDemand/Representing\\_Unaccompanied\\_Children\\_in\\_California/\\_/N-4nZ1z126fu?fromsearch=false&ID=236630](http://www.pli.edu/Content/OnDemand/Representing_Unaccompanied_Children_in_California/_/N-4nZ1z126fu?fromsearch=false&ID=236630)
- SIJS-specific materials, fact sheet, etc.
  - <http://www.ilrc.org/resources/special-immigrant-juvenile-status-sijs>
- Center for Gender & Refugee Studies: Resources for Children’s Asylum
  - <http://cgrs.uchastings.edu/search-materials/childrens-asylum-guidelines>
- Fact sheets on immigration options for undocumented children
  - <http://www.ilrc.org/resources/fact-sheets-immigration-options-for-undocumented-children-updated-for-2010>
- “Living in the US: Guide for Immigrant Youth” (*will be updated this month*)
  - <http://www.ilrc.org/resources/living-in-the-united-states-a-guide-for-immigrant-youth>

# Special Immigrant Juvenile Status and Other Immigrant Options for Children & Youth

- Provides in depth information on SIJS and background on various forms of relief including: U Visa, VAWA, Asylum, Family, Citizenship
- Discussion of special topics including inadmissibility & deportability, state court systems, immigration consequences of crime and delinquency, and detention



**To order:** [www.ilrc.org/publications](http://www.ilrc.org/publications)

# Part V: Questions & Answers

**Thank you for attending!**