**SIJS STANDARDS**

Adding SJIS considerations to the standards will require a few modifications to the child’s attorney standards:

(2)(I) (consider expanding the scope of representation) is the first section which seems to apply. (6) of this section already includes immigration issues, but the following sentence should be added to the commentary: “If the child might be eligible for Special Immigrant Juvenile Status, the child’s attorney should consider consulting with a dependency attorney experienced in these cases and, if appropriate, consulting with an immigration attorney.[[1]](#footnote-1) If the child appears eligible for Special Immigrant Juvenile Status, the child’s attorney should advocate for immigration representation by the Department of Human Services, if relevant. If the child does not qualify for representation by DHS in the immigration matter, the child’s attorney should consider attempting to locate an immigration attorney to represent the child.”

Standard (5) (Investigation) should include a new action.

Action: If the child is not a U.S. citizen and does not have Lawful Permanent Resident status, determine if the child likely qualifies for Special Immigrant Juvenile status. To qualify, the child must either: 1) be subject to the juvenile court’s jurisdiction under ORS 419B.100; or 2) be placed by the juvenile court in the custody of an agency or department of the state or an individual or entity appointed by the juvenile court. At the deposition, the court must find that reunification with one or both of the parents is not viable due to abuse, neglect, abandonment, or similar basis under state law. The court must be able to find that it is not in the child’s best interest to return to his or her home country. If these guidelines seem to apply to the client, the attorney for the child should obtain an immigration consultation.

Standard (6)(B) (court preparation- motions and pleadings) should include a new action as follows:

Action: If applicable, the attorney for the child should advocate that the court enter an order with the appropriate findings for the child’s Special Immigrant Juvenile Status petition, in consultation with the child’s immigration attorney.

1. If the child client is eligible for court appointed counsel at state expense, the attorney representing the child should consider seeking funding from the Office of Public Defense Services for consultation with an immigration attorney. [↑](#footnote-ref-1)