

Law Office of Vanessa Frank



AUGUST 2020

Special Immigrant Juvenile Status

WITH VANESSA FRANK, LORELLA HESS, AND GARY NORRIS



FAMILY LAW



IMMIGRATION LAW



- “Bona Fide Marriage”
- Violence Against Women Act (VAWA)
- **Special Immigrant Juvenile Status (SIJS)**

SIJS Cases in local courts

Limited Scope Representation

Custody/Guardianship order with SIJS findings



Non-Adversarial

Only one parent is involved (at most);
No criminal case



SIJS Findings

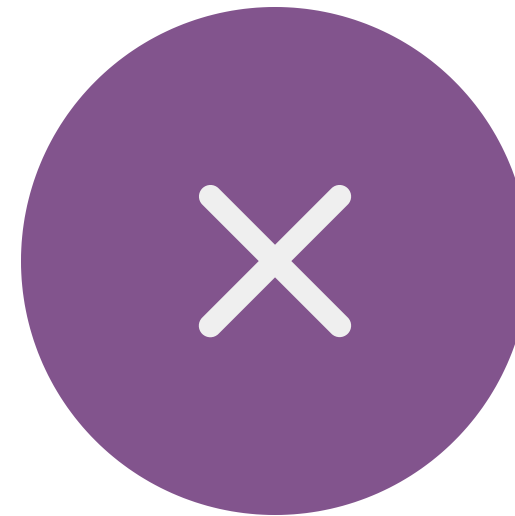
can pave the way for immigrant youth to secure long-term lawful status in the United States.



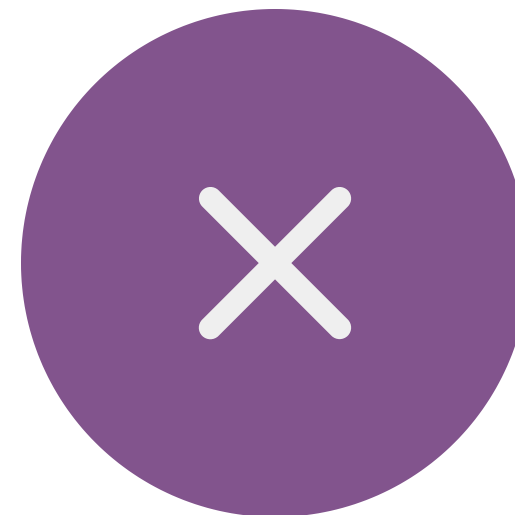
BEST INTEREST OF THE CHILD



Settled
custody/guardianship



May be able to remain
permanently in the
USA



SIJS > DACA for many
children

WHO CAN BENEFIT from SIJS

Under age 21
and unmarried



Present in the US



At risk of deportation

not US citizens or LPRs (green card holders) in their own right, may or may not already be on ICE's radar



Want to remain in the US
even if their parent/s cannot

Victims of abuse,
neglect, or abandonment

by one/both parent(s) in the US or elsewhere. Neglect or Abandonment may be involuntary

a parent's death,
deportation, incarceration,
or other incapacity

Better off remaining

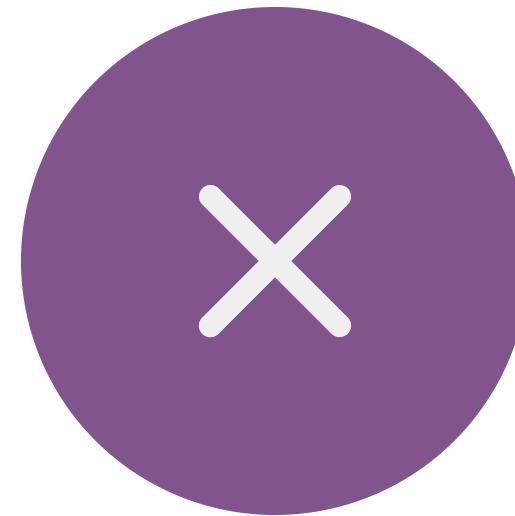
in the US than returning to their country of nationality or previous habitual residence



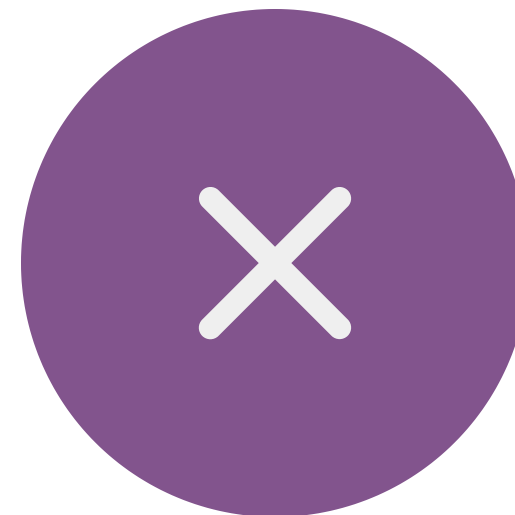
BASICS OF SIJS



8 USC §1101(a)(27)(J)



8 CFR §204.1



CCP 155

FAMILY COURT - CUSTODY

Judge Johnson



● FL-100

● FL-200

● FL-260

● FL-300

● FL-356

● FL-357

● CIV-010

PROBATE COURT - GUARDIANSHIP

or for Children between 18-21 years old

Judge Cody

● GC-224

● GC-250

● JV-356

● JV-357

● VN-132

● VN-133



DECLARATION

- 1) Reunification is not possible with one or both parents
- 2) Return to home country not viable based on health, well-being, welfare of the minor

Can bring in an expert to testify if necessary

Has situation shifted in home country

Who was taking care of child before child came to USA? Why is that no longer viable?

What was care in home country—nutrition?



ORDER

Ensure inclusion of all facts in the Order, to ensure USCIS has strongest possible record upon which to make grant of SIJS





PROFESSIONAL CONCERNS

Joint Representation

Guardian Ad Litem



GREEN CARD THROUGH SIJS

ONCE A CHILD HAS STATECOURT FINDING/ORDERS:

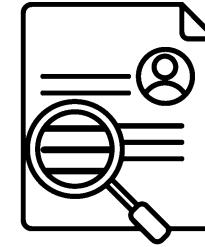
I-360
free!

Form I-360 Petition for Amerasian, Widow(er), or Special Immigrant. USCIS Form I-360 (04/15/2019). Department of Homeland Security, U.S. Citizenship and Immigration Services. The form includes sections for 'For USCIS Use Only', 'For State Use Only', and 'For Applicant Use Only'. It contains fields for name, date of birth, address, and classification.

I-485
current fee \$1225,
cut to \$1215 as of
10/02/2020

Form I-485 Application to Register Permanent Residence or Adjust Status. USCIS Form I-485 (04/15/2019). Department of Homeland Security, U.S. Citizenship and Immigration Services. The form includes sections for 'For USCIS Use Only', 'For Applicant Use Only', and 'For Attorney or Accredited Representative Use Only'. It contains fields for name, date of birth, address, and registration category.

IMMIGRATION ATTORNEY SCREENING:



- CURRENT AGE
- CRIMINAL RECORD
- IMMIGRATION HISTORY
- CHANGES IN LAW/POLICY
- ETHICAL DUTY

child will forever be barred from
applying for immigration status for
either of their parents



SIJS

the good and the bad

Permission to remain in the USA indefinitely

Pathway to a green card & citizenship



Does not include permission to work or travel until the person is applying for a green card



Someone who gets SIJS can never sponsor either parent for an immigration benefit

applies only to the individual SIJS grantee—any siblings could still sponsor the parents

OTHER RESOURCES

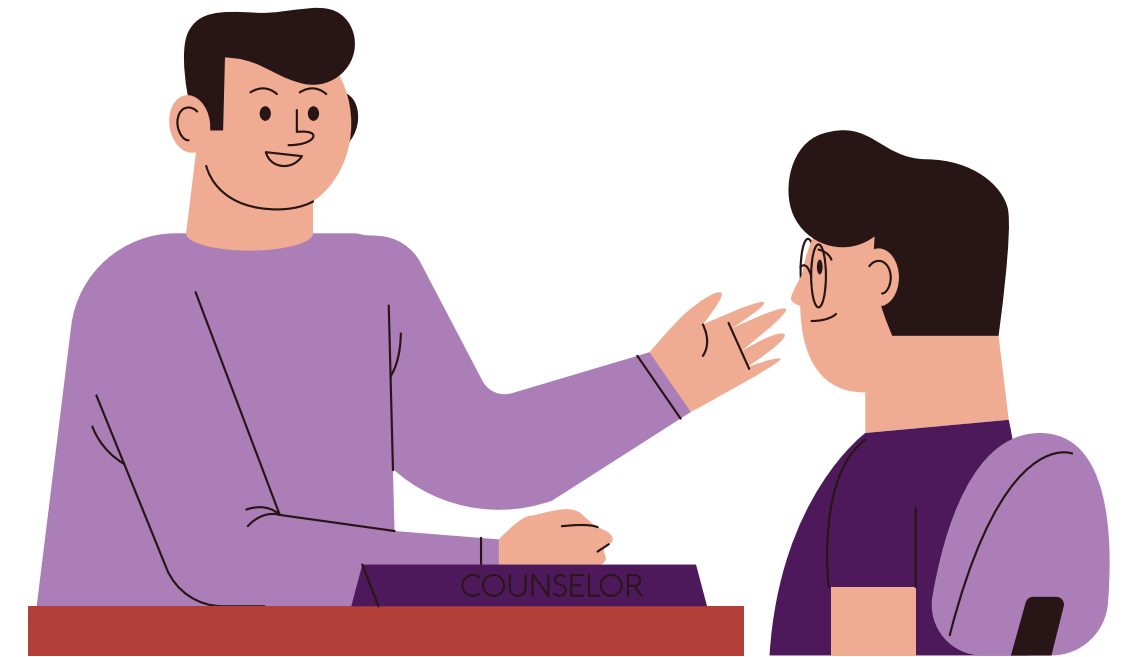
Counseling Services

Interface Children & Family Services

- Website: <https://www.icfs.org/>
- Phone: (805) 485-6114

The Coalition

- Website: <https://thecoalition.org/>
- Phone: (805) 983-6014



OTHER RESOURCES

Culturally Competent Interpreters

Just Communities (Spanish)

- Website: <https://www.just-communities.org/>
- Phone: (805) 966-2063

MICOP (indigenous Mexican languages)

- Website: <https://mixteco.org/>
- Phone: (805) 483-1166



OTHER RESOURCES

More Legal Support

Law Office of Vanessa Frank

- Website: <https://www.vanessafranklaw.com/>
- Phone: (805) 641-9300

Public Counsel

- Website: <http://www.publiccounsel.org/>
- Phone: (213) 385-2977

Immigrant Legal Resource Center

- Website: <https://www.ilrc.org/>
- Phone: (415) 255-9499



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