

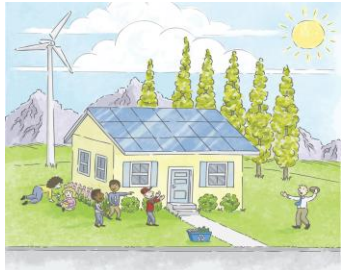


Processing and Outcomes of Special Immigrant Juvenile Status in Los Angeles

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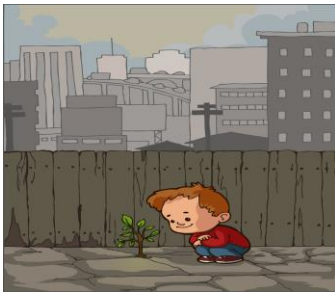
Department of Children and Family Services

Special Immigrant Status Unit



Overview

- Statistics indicate that more immigrants and their children will come into contact with social service systems
- Immigrants bring with them a number of challenges not faced by their native-born counterparts - immigration status being one of them
- When immigrant children come into contact with child protective services, there is a unique opportunity to seek legal permanent residency for the child if the child is undocumented



Immigration Terms

- USCIS is Citizenship and Immigration Services (previously known as INS); starting in 2003 CIS handles immigration services as part of DHS (Department of Homeland Security)
- Under DHS, ICE is Immigration and Customs Enforcement and CPB is Borders and Customs Protection
- US Citizen, a person born in the US (includes persons born in Guam, Puerto Rico, or the US Virgin Islands) or naturalized



Immigration Terms

- Lawful Permanent Residents (LPR) is a person who obtains legal status in the US. Also known as “green card” holder
- Undocumented person refers to people with no legal status (also know as illegal alien)
- SIJS, VAWA, U-Visa, T-Visa, Asylum, TPS, are forms of immigration relief
- PRUCOL is Permanent Resident Under the Color of Law filed with USCIS by child welfare agencies to secure state funding to cover cost of foster care for undocumented children



Special Immigrant Juvenile Status (SIJS)

SIJS is a federal law that allows certain undocumented children obtaining lawful permanent resident status

Section 101(a)(27)(J) of the Immigration & Nationality Act, 8 U.S.C. §1101(a)(27)(J)

8 C.F.R. § 204.11



Eligibility for SIJS (1990)

Under 8 C.F.R. § 204.11 the child must be:

- Under 21 years of age and unmarried
- Has been declared a dependent upon a juvenile court in the US under WIC 300 or 600
- Reunification of the child with one or both of the parents has been deemed not viable
- Continues to be dependent upon a juvenile court
- Has been the subject of judicial proceedings in which it has been determined that it would not be in the child's best interest to be returned to the country of nationality



New Changes under TVPRA 2008

- The enactment of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457; “TVPRA”) signed into law on December 23, 2008 clarifies and expands the definition of SIJS
- The TVPRA eliminates the “eligible for long-term foster care” language for Special Immigrant Juveniles
- The TVPRA expands the Special Immigrant Juvenile definition to allow for a juvenile court to consider family reunification with one or both of the child’s parents



New Changes under TVPRRA 2008

- The TVPRRA mandates the expeditious adjudication of SIJS applications (within 180 days of the filing date)
- The TVPRRA creates specific waivers to various grounds of inadmissibility for SIJS applicants seeking adjustment (public charge, present without admission or parole, misrepresentation/fraud, stowaway, lack of valid entry documentation, and unlawful presence)



The Special Immigrant Status Unit

- Specialized Unit within Los Angeles County DCFS dedicated to the processing of Special Immigrant Juvenile Status (SIJS) applications on behalf of qualifying undocumented children
- Unit provides countywide services
- Unit serves 19 DCFS regional offices, including Adoptions
- Unit has its own budget
- Unit of social workers and eligibility workers



The Special Immigrant Status Unit

- Unit members are bilingual and bicultural
- Unit has its own written policy and procedures
- DCFS management supportive of Unit's mission and goals
- Unit has working agreements with USCIS
- Unit has working agreements with local Consulates
- Unit has agreements with Edelman's Children's Dependency Court/Office of the County Counsel



The Special Immigrant Status Unit

- Started in 1987 with the name of “Amnesty Unit” filing 400 Amnesty applications after the enactment of the Immigration Reform and Control Act of 1986 (IRCA) (Pub. L. 99-603, Nov. 6, 1986, 100 Stat. 3359)
- Adopted the name of “Special Immigrant Status (SIS) Unit” It has been processing SIJS applications since 1991 after the enactment of INA 101(a)(27)(J)



Processing of SIJS applications at the SIS Unit

- Referral Process
- Determining eligibility for SIJS
- Preparing SIJS packets
- Filing with USCIS
- Handling of USCIS appointments
- Handling of special cases
- Interviews with USCIS
- Handling of pending cases
- SIS statistics/logs updates



SIJS Referral Process

- Relies mostly on referrals received by DCFS social workers
- Receives referrals from attorneys from the Children's Law Center of Los Angeles, CASA workers, FFA and group home social workers, and occasionally from foster parents
- SIS Unit has own tracking system (Child Welfare System/Case Management Services also known as CWS/CMS demographics page, PRUCOL, General Relief Ineligibility or GRI) and generates additional referrals



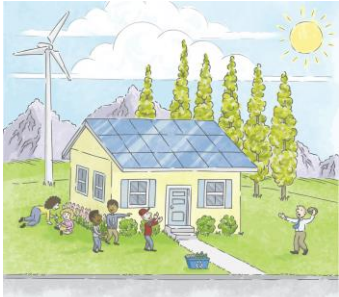
SIS Referral Process

- The SIS supervisor screens all referrals using CWS/CMS (looking for child's legal history, family history, identifying relatives, and significant persons in the child's life)
- Accepted referrals are assigned to a legalization worker for processing
- Rejected referrals are re-directed or kept for periodic re-assessments
- All referrals (including the rejected ones) are recorded in a log kept by years (i.e. SIS Referral Log 2008)



SIJS Referral Process

- Support staff sends letter to social worker verifying receiving referral and informing steps to follow, including timeframes and legal implications
- Letter to child's foster parents informing of steps involved in the legalization process and asking for support (taking child for their photos and for their immigration physical exam, and transportation to all appointments)
- Letter to child's Dependency attorney, informing of the SIJS processing for his/her client



Determining eligibility for SIJS

- Legalization worker gathers the child's legal history from Dependency court reports via CWS/CMS (sustained petition, detention report, jurisdiction/disposition report, status review reports, and minute orders)
- Legalization worker pulls the placement history from CWS/CMS
- Legalization worker interviews the child, caregiver (if appropriate), and/or contacts the social worker to gather immigration history, and delinquency history



Determining Eligibility for SIJS

- Legalization worker translates the birth certificate and verifies legal name of the child and birth date to match the Dependency and DCFS legal records
- When discrepancies are found, legalization worker informs the social worker to take the proper steps to correct any errors (with Dependency Court and DCFS)
- Legalization worker completes all immigration applications electronically



Determining Eligibility for SIJS

- Submits all JV-224 forms to the office of the Dependency Court/Court Liaison with a walk on report requesting approval for every referral on monthly basis (processing time is one week)
- Submits requests for immigration fees to DCFS Finance section (for child 13 and under is \$ 930, for child 14 and over is \$ 1010) (processing time is three or four weeks)
- Submits cover letters for signature by DCFS/SIS regional administrator



Determining Eligibility for SIJS

- Legalization worker or support staff picks up photos, and sealed medical results from SIS Unit vendors
- Legalization worker picks up immigration fees checks from DCFS Finance section
- Legalization worker picks up the approved JV-224 from the Dependency Court/Office of the Court Liaison



When legal issues are at stake

- Supervisor re-interviews the child and/or caretaker (if appropriate)
- Supervisor consults with the case County Counsel, child's Dependency attorney, and/or with an immigration attorney from one of the community partners' agencies if necessary
- Supervisor decides if requesting FOIA is necessary
- Supervisor decides if proceeding further with SIJS application is appropriate



Preparing SIJS application packet

- Legalization worker prepares a photo ID for each child
- Completes the following USCIS forms:
 - I-360 Petition for Amerasian, Widow(er), or Special Immigrant
 - I-485 Application to Register Permanent Resident or Adjust Status
 - G-325A Biographic Information (minor's 14 and over)
 - WR-702 Processing Sheet



The Final SIJS application packet

- Check with filing fee
- Photos
- Cover letter
- JV-224
- Case summary
- Current minute order
- USCIS I-360
- USCIS I-485
- USCIS G-325A
- USCIS WR-702
- Birth certificate and translation



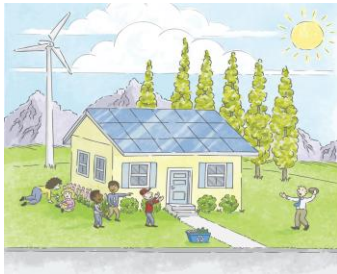
Filing the SIJS application packet

- SIJS packets for the month are sent to: U.S. Citizenship and Immigration Services P.O. Box 805887, Chicago, IL 60680-4120 via certified mail
- Special cases may be submitted in person at the USCIS Los Angeles office (District 23)
- USCIS Los Angeles receives the filing packets from Chicago and mail the SIS Unit Receipt Notices, I-797C Biometrics Appointment, G-56 Adjustment of Status Appointment (Interview)



Handling of USCIS Appointments

- Legalization worker notifies foster parents and social workers via US mail of biometrics appointment and follow up with phone call to confirm minor will attend his/her appointment
- Legalization worker meets foster parents and child at the biometric facility and assist them with the process
- Legalization worker explains to child and foster parents the steps of the upcoming USCIS interviewing process



Handling of Special Cases

- SIS Unit supervisor finds pro bono immigration representation for children with pending removal proceedings (informs Dependency attorney and County Counsel)
- Arranges/coordinates transportation of children with special needs
- SIS Unit supervisor handles cases where children have dual supervision with Probation or Guardianship from Probate Court



USCIS Interview

- Legalization worker notifies foster parents and social worker via US mail of the USCIS interview appointment and follow up with phone call to confirm minor will attend his/her appointment
- Legalization worker meets foster parents and child for his/her appointment and represents the child during the interview. SIS Unit supervisor assists with process as needed
- Legalization worker provides the USCIS interviewing officer with child's Medical Exam I-693 & Supplemental Exam, photo ID and assists with Spanish/English translation when needed



Handling of Pending Cases

- Over half of SIJS cases are approved during the USCIS interview
- Pending cases include children who miss the USCIS interview, who may have arrest records, pending medical follow ups, or who are in removal proceedings
- Legalization worker and/or supervisor notifies social worker of required documentation and timeframes



SIS Unit Statistics/Logs

- SIS Unit statistics and logs keeping provides control over SIJS eligibility, justifies changes in DCFS policy and procedures, and proves program effectiveness
- Effective manner to keep accurate accounts with SIS Unit vendors
- Easier way to provide responses to stakeholders
- Can document SIS Unit accountability with DCFS



Other Services Provided by the SIS Unit

- Replacing lost or stolen “green cards”
- Filing of US citizenship for qualifying children
- Change of name on “green card” when child is adopted out
- Filing of certificate of citizenship for children adopted by at least one US citizen parent
- Obtaining original birth certificates from local Consulates
- Assisting children unable/having difficulties in obtaining a SS card or California ID



Other Services Provided by the SIS Unit

- Identifying DCFS immigrant children or parents who may qualify for VAWA, U-Visa, T-Visa, Asylum, or TPS, and referring them to community immigration agencies for processing (pro bono basis) under DCFS policy 1200-500.86
- SIS Unit supervisor is the authorized person to sign U-Visa Certifications for DCFS cases in Los Angeles County



Challenges and Responses

- Requesting waivers with USCIS causes delays of SIJS applications

Response: the SIS Unit has its own budget/pays all immigration fees on behalf of children

- Contracting translation services is expensive and delays SIJS applications

Response: the SIS Unit do its own translations; all SIS staff is bilingual and bicultural

- Children do not have a photo ID (required)

Response: the SIS Unit issues ID for children



Challenges and Responses

- Child's birth not registered (unable to prove place and date of birth)

Response: SIS Unit supervisor works with child's family when available and local Consulates to verify non-existing records; then files a petition with Dependency Court to establish place and date of birth. Supervisor files a Delayed Registration of Birth with the state Vital Records



Challenges and Responses

- Foster parents or social worker unable to transport child to USCIS appointments

Response: SIS Unit transports children to avoid re-scheduling/delaying SIJS process

- Transporting foster parents or social workers unfamiliar with biometrics and USCIS interviews

Response: legalization workers/supervisor meet child and caregiver and guide them through the process



Challenges and Responses

- Requesting filing fees with DCFS Finance section, and JV-224 approvals from Dependency Court/Office of County Counsel by US mail or inter-office mail cause delays; some requests lost, or communication by phone prove ineffective

Response: All requests submitted in person; have a contact person for each process. All requests are picked up in person by a legalization worker when completed



Challenges and Responses

- Some sealed medical results were open by foster parents or child. Photos got lost

Response: Legalization workers pick up all medical exams and photos during the filing month from vendors

- Foster parents unable to cover cost of photos and USCIS medical exam

Response: SIS Unit cover all costs involved in SIJS filing



Barriers facing SIS Unit

- Informal working agreements with outside agencies not honored when changes in key contacts
- Changes in immigration laws
- Anti-immigrant sentiments
- Reduction of government services
- Attrition rate at DCFS calls for constant presentations/flyers/e-mails about services provided by the SIS Unit



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