

# Kids who have **gained U.S. protection** are still at risk of **deportation**

*Why is this happening in the U.S. immigration system?*

The cases of children alone who have been abused, abandoned, or neglected are being unnecessarily stalled or delayed by the U.S. government. These children are left at risk of deportation, detention, and other harm. This is happening because the U.S. government is targeting an immigration protection called Special Immigrant Juvenile Status (SIJS).

## WHAT IS SPECIAL IMMIGRANT JUVENILE STATUS?

SIJS is a form of immigration protection for children in the U.S. who have been abused, abandoned, or neglected by one, or both, parents. To receive SIJS, the child must appear before state family court to prove that it is unsafe for them to be returned to their home country.

### SIJS Process for a Child



#### 1. Obtain a State Predicate Order

A state court judge issues a written order finding that the child had been abused, abandoned or neglected under state child welfare law and that it is not in their best interest to return to their country of origin. The order is called a Predicate Order (PO).



#### 2. Obtain Approved I-360 from USCIS

The child then submits this PO to USCIS to be designated Special Immigrant Juvenile Status (SIJS). Once approved the child can apply for a green card and have their deportation proceedings terminated.



#### 3. Adjusting Status to obtain Green Card

An immigration judge must either adjudicate the child's adjustment of status or terminate their court case so USCIS can. Obtaining lawful permanent residency is the important process ensuring a child can remain safely in the U.S. and not be deported to the country where they experienced the violence.

## Why is this process currently breaking down?

### BREAKDOWN ON THE GOVERNMENT SIDE

#### Immigration Court



- Wait times for hearings and court rulings have increased in immigration court, meaning children's cases are sitting in limbo for years.
- Judges' failure to schedule hearings and make rulings has increased the backlog of all cases exponentially.

#### Department of Homeland Security (DHS)



- DHS refuses to respond or communicate with legal service providers on these cases.
- Although the court has already deemed the child worthy of protection by the U.S., DHS attorneys are not joining **or** even agreeing not to oppose a child's motion to terminate a case, resulting in the case pending for years.

## How is this impacting KIND's child clients?



### +200 CHILDREN

Nearly 200 KIND clients have been deemed by state family courts as needing U.S. protection due to being abused, abandoned, or neglected by their parents. Yet, DHS and the Immigration Courts are refusing to terminate their removal proceedings and adjust their status.

### What does this mean?

- 1 Risk of Deportation**  
Immigration courts may order these children to be deported.
- 2 Risk of Detention**  
Children over 18 whose case is still in limbo are now also at risk of being put in detention facilities until they obtain legal status.
- 3 Work Permits Limited**  
Because their cases are still pending in immigration court, eligible children are unable to apply for a work permit, a vital form of government-issued identity.

- 4 Mental Health Risks**  
The uncertainty of their future is causing prolonged mental health effects on children waiting for resolution of their immigration case.
- 5 Drain on Resources**  
With more cases pending, the backlog is growing, putting a strain on public and private resources.

### Where is this happening?

