



The Intersection of Juvenile Law and Immigration

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Outline:

- Quick Immigration Overview
- Agency overview
- Immigration consequences of crimes
- Practice Pointers
- Forms of relief
- Questions

Types of Immigrants


CITIZENS	NON-CITIZENS
<p>immigrants</p> <p>lawful permanent residents (LPRs) "greencard"</p> <p>Conditional residents</p> <p>Refugees/asylees</p> <p>Diversity visa</p>	<p>non-immigrants</p> <p>Visitors</p> <p>Students</p> <p>temporary workers</p> <p>Alphabet soup of visas</p> <p>DACA/TPS</p>
	undocumented





Understanding Relevant Agencies

- CBP: Customs and Border Protection
- ICE: Immigration and Customs Enforcement
- USCIS: United States Citizenship and Immigration Service
- DHS: Department of Homeland Security
- INS: Immigration and Naturalization Service, not in existence
- EOIR: Executive Office for Immigration Review



Determine Status

- Where were you born?
- Where were your parents and grandparents born, or where did they grow up?

➔ Watch for False Claims to US citizenship






The Charges

- Grounds of Inadmissibility 8 USC §1182(a)
 - Obtain new status
 - Obtain a benefit
 - Obtain a waiver
- Grounds of Deportability 8 USC §1227(a)
 - Lose status
 - Be deported



Charge/Disposition	Immigration Consequence	Waiver/Form of Relief Available
Prostitution	Inadmissible	Waiver
Drug Trafficking	Inadmissible if "reason to believe"	No waiver except T or U visa
Drug Abuse or Addiction	Inadmissible or Deportable	Waiver
Mental condition posing a threat to self or others	Inadmissible	Waiver
False Claim to US citizenship	Inadmissible or Deportable	Waiver
Violation of a Protective Order	Deportable	Waiver
Gang Affiliation, sexual, violent offenses, weapon	Negative discretion!!	




How juvenile arrest history is revealed

- Forms
- Biometrics
- Self Disclosure

Have you **EVER** been arrested for, charged with, or convicted of a felony or misdemeanor, including incidents handled in juvenile court, in the United States? Do not include minor traffic violations unless they were alcohol- or drug-related. Yes No

If you answered "Yes," you must include a certified court disposition, arrest record, charging document, sentencing record, etc., for each arrest, unless disclosure is prohibited under state law.



Other issues

- *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010)
- Avoid transfer to adult court
- End collaboration with ICE
- Records
- Enforcement priorities under Trump
- Public Charge


Good Questions to Ask

- 1. When did you first enter the United States?
- 2. How did you enter? (i.e. with a visa, without inspection, etc.)
- 3. What is your current status?
- 4. Have you ever had contact with anyone from immigration? (i.e. a judge or an ICE or CBP officer)
- 5. Have you ever been deported before?
- 6. Have you ever left the United States?
- 7. Do you have any family members who have green cards or are U.S. citizens?



Common Forms of Relief

- Special Immigrant Juvenile Status, SIJS
- Asylum
- U and T-Visas
- DACA
- VAWA
- Family Petitions




Who is Eligible for SIJS?

- Generally, a child who has been the victim of abuse, neglect, or abandonment by one of their parents may be eligible for SIJS
- The child must be under 21 and unmarried




Benefits of SIJS



- SIJS is a form of immigration relief that can be filed defensively (in proceedings) or affirmatively
- Leads to lawful permanent residence and a path to U.S. citizenship
- Increased opportunity for safe and stable future, including work authorization and eligibility for educational loans
- In some cases, child will be eligible for federally funded Unaccompanied Refugee Minor ("URM") benefits
- Foster/transitional housing, health insurance, counseling services, etc. until 21 or 22 yrs old depending on state

SIJS Definition

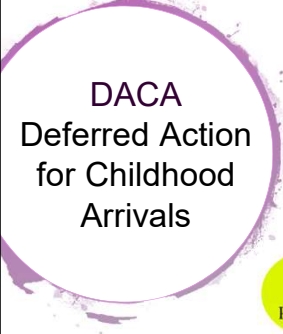


- 1. Child has been "declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and
- 2. whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law...and
- 3. for whom it has been determined ... that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence."
- INA § 101(a)(27)(J); 8 U.S.C. § 1521(a)(27)(J)

Asylum




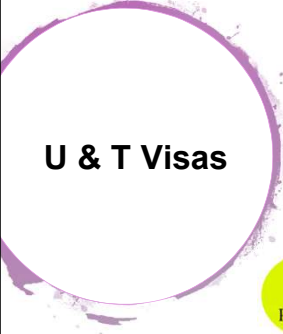
- Present in the U.S. to apply
- Fleeing persecution or fear of persecution in country of origin based on:
 - race, religion, nationality, political opinion, or membership in a particular social group
- Apply within one year of arrival to U.S.
- Must not have committed a serious crime
- Cannot have established residency in third country or traveled through a safe country



DACA Deferred Action for Childhood Arrivals

- Benefits children who were brought to the U.S. by family members before turning 16
- DACA is an executive action, it is NOT a law
- Congress failed to pass the DREAM act in 2010
- Obama signed the executive action in 2012 granting temporary relief from deportation and eligibility for work authorization






U & T Visas

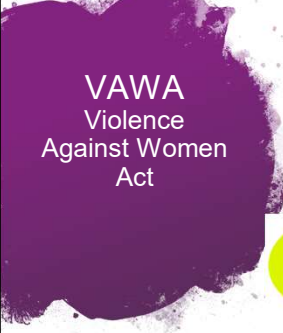
U Visa

- Must be the **victim of a "qualifying" crime** that occurred here in the U.S. or violated U.S. laws
- Substantial mental or physical abuse as a result of the crime
- Helpful in the investigation and/or prosecution of crime and receive signed certification

T Visa


- Must be the **victim of human trafficking** (sex or labor trafficking)
- Present in U.S. on account of trafficking
- comply with reasonable requests for assistance in investigation and prosecution (some exceptions exist)
- Would suffer extreme hardship if removed from the U.S.





VAWA Violence Against Women Act

- **Must have one of the relationships eligible for a family petition (e.g. married to citizen, child of resident)**
- **Suffered abuse or been subjected to "extreme cruelty" by the USC or LPR family member**
- **If based on spouse: married in good faith and resided with spouse**
- **Have "good moral character"**



Family Petitions

Permanent residents and citizen can submit applications for immediate family members:

- Residents: can only apply for spouses and unmarried children
- Citizens: can apply for spouses, children, and parents
- If you are under 18 years old and one or both parents is a U.S. citizen, you may already be a citizen.



QUESTIONS







Thank You

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