

## Immigration Law for Dependency Attorneys

### Immigrant Legal Resource Center Materials

**ILRC, The Reuniting Immigrant Families Act (SB 1064):** <https://www.ilrc.org/reuniting-immigrant-families-act-sb-1064>

- Overview of the Reuniting Immigrant Families Act
- Reasonable Efforts
- Reunification Period Extensions
- Placement with Undocumented Relatives
- Immigration Relief Options for Dependent Children and Their Families
- Encouraging Agency/Consulate MOUs
- Free Technical Assistance in California for County Stakeholders who Have Dependency Cases Involving Children from Immigrant Fam

**ILRC, U Visa/T Visa/VAWA,** <https://www.ilrc.org/u-visa-t-visa-vawa>

- A Guide to Obtaining U Visa Certifications
- Immigration Relief for Immigrant Survivors of Abuse: Comparative Quick Reference Chart
- T Visas: What They Are and How They Can Help Your Clients
- Post-Election Q&A for Advocates and Attorneys Serving Immigrant Survivors of Gender-Based Violence
- Notes and Practice Pointers from USCIS VAWA, U, and T Visa Stakeholder Events 2016

**ILRC, Immigrant Youth,** <https://www.ilrc.org/immigrant-youth>

- Child Welfare Screening Sheet: Determining Potential Avenues for Legal Status
- Practice Alert on Flores v. Sessions: Ninth Circuit Holds that All Detained Children Have the Right to a Bond Hearing
- Alien Smuggling: What It Is and How It Can Affect Immigrants
- Immigration Relief for Immigrant Survivors of Abuse: Comparative Quick Reference Chart
- Understanding Allegations of Gang Membership/Affiliation in Immigration Cases
- Update On Special Immigrant Juvenile Status: What Is Visa Availability
- California Appellate Law on Special Immigrant Juvenile Status
- Confidentiality of Juvenile Records in California: Guidance for Immigration Practitioners in Light of California's New Confidentiality Law
- Reference Sheet on the Immigration Consequences of Delinquency
- Special Immigrant Juvenile Status Role-Play: Responding to Common Questions in State Court Proceedings
- Special Immigrant Juvenile Status (SIJS) Primer: How to Seek SIJS Findings in California Superior Courts
- Special Immigrant Juvenile Status: A Primer for One-Parent Cases

## **U.S. Citizenship & Immigration Services Materials**

### **SIJS:**

#### **USCIS “Immigration Relief for Abused Children: Special Immigrant Juvenile Status: Information for Juvenile Court Judges and Child Welfare Professionals”:**

[https://www.uscis.gov/sites/default/files/USCIS/Green%20Card/Green%20Card%20Through%20a%20Job/PED.SIJ.1015\\_Brochure\\_M-1114B\\_Revised\\_05.19.16.pdf](https://www.uscis.gov/sites/default/files/USCIS/Green%20Card/Green%20Card%20Through%20a%20Job/PED.SIJ.1015_Brochure_M-1114B_Revised_05.19.16.pdf)

**USCIS Policy Manual:** <https://www.uscis.gov/policymanual/HTML/PolicyManual.html>

- Volume 6 (Immigrants), Part J (Special Immigrant Juveniles)
- Volume 7 (Adjustment of Status), Part F (Special Immigrant-Based (EB-4) Adjustment), Chapter 7 (Special Immigrant Juveniles)

### **U-Visa:**

#### **USCIS “Victims of Criminal Activity: U Nonimmigrant Status”**

<https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>

#### **USCIS Supplement B, Law Enforcement Certification (required for U Visa Application)**

[https://www.uscis.gov/system/files\\_force/files/form/i-918supb.pdf](https://www.uscis.gov/system/files_force/files/form/i-918supb.pdf)

### **T-Visa:**

#### **USCIS, “Victims of Human Trafficking & Other Crimes”**

<https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes>

#### **USCIS Supplement B, Law Enforcement Certification**

[https://www.uscis.gov/system/files\\_force/files/form/i-914supb.pdf](https://www.uscis.gov/system/files_force/files/form/i-914supb.pdf)

## **Federal Statutes & Regulations**

### **SIJS:**

8 U.S.C. § 1101(a)(27)(J) (defining Special Immigrant Juvenile)

8 U.S.C. §§ 1151(d), 1152(a)(2), 1153(b)(4) (establishing “visa cap” for Special Immigrant Juveniles)

8 U.S.C. § 1255(a), (h)(2) (governing adjustment of status for Special Immigrant Juveniles)

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8 U.S.C. § 1227(c) (identifying grounds of deportability inapplicable to Special Immigrant Juveniles)

8 C.F.R. § 103.7(c) (governing fees and fee waivers for immigration petitions and applications)

8 C.F.R. § 204.1(f), (g)(2) (governing substitute documents to prove birth in family immigration cases)

8 C.F.R. § 204.11 (governing requirements and process for Special Immigrant Juvenile classification) (note that these regulations are not amended to reflect post-1993 SIJS statutory changes)

8 C.F.R. § 205.1(a)(3)(iv) (governing revocations of Special Immigrant Juvenile classification)

### **U Visa:**

8 USC § 1101(a)(15)(U) (defining U nonimmigrant status)

8 USC § 1184(p) (defining petitioning procedures, numerical limitations, credible evidence considered, duration of status, age determinations and duties of the attorney general)

8 USC § 1255(m) (governing adjustment of status for U nonimmigrants)

8 CFR §§ 212.17, 214.14: (U nonimmigrant status)

8 CFR § 245.24: (U nonimmigrant adjustment of status)

### **T Visa:**

8 USC § 1101(a)(15)(T) (defining T nonimmigrant status)

8 C.F.R. § 214.11

## **California Law & Policy**

### **Child Custody/Dependency:**

Cal. Fam. Code § 3040(b) (The immigration status of a parent, legal guardian, or relative shall not disqualify the parent, legal guardian, or relative from receiving custody)

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Cal. Probate Code §§ 1510(a); 1514 (relative may be appointed guardian regardless of the relative's immigration status)

Cal. Welf. & Inst. Code § § 309, 361.2(e), 361.3 (clarifying that child can be placed with parent, guardian or responsible relative regardless of immigration status)

Cal. Welf. & Inst. Code §§ 361.5(a)(3); 366.21; (in deciding whether to extend time for reunification services, the court shall consider the special circumstances of a parent who has been arrested and issued an immigration hold, detained by the United States Department of Homeland Security, or deported to his or her country of origin, including, but not limited to, barriers to the parent's or guardian's access to services and ability to maintain contact with his or her child)

Cal. Welf. & Inst. Code §§ 361.5(g)(2)(B); 366.22(c)(2)(B); 366.25(b)(2)(B) (Regardless of his or her immigration status, a relative caregiver shall be given information regarding the permanency options of guardianship and adoption)

Cal. Welf. & Inst. Code § 16501.1 (TILP case plan shall include whether child has application pending for Special Immigrant Juvenile Status)

Cal. Welf. & Inst. Code § 10609.95 (Memoranda of understanding for juvenile court cases where parent issued an immigration hold or has been detained or deported)

Cal. Welf. & Inst. Code § 10609.97 (Best practices on assisting a child in juvenile court case eligible for special immigrant juvenile status)

CDSS All County Letter No. 14-21, Immigration and the Child Welfare System  
<http://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acl/2014/14-21.pdf>

### **SIJS:**

Cal. Code Civ. Proc. § 155 (clarifying the jurisdiction of superior court to make judicial determinations regarding custody and care of children for SIJS and setting out requirements for evidence and findings)

Cal. Evid. Code § 757 (authorizing court provided interpreters for cases in which SIJS findings are requested)

Cal. Welf. & Inst. Code § 831 (clarifying, to protect confidentiality, that "juvenile information" cannot be released to federal officials without successful completion of the petitioning process found at Cal. Welf. & Inst. Code § 827)

Cal. Welf. & Inst. Code § 10609.97 (requiring DPSS on an annual basis to “provide guidance on best practices and facilitate an exchange of information and best practices among counties . . . on assisting a child in a juvenile court case who is eligible for special immigrant juvenile status)

Cal. Welf. & Inst. Code §§ 13300, 13301 (requiring DPSS, subject to funding, to contract for legal services for immigrant children released by the federal Office of Refugee Resettlement into California)

Cal. Welf. & Inst. Code § 16501.1 (requiring that children (16 or older and nonminor dependents) be given a case plan that includes information on whether an SIJS application is pending and if an active dependency case is required for that application)

**U Visa:**

Cal. Penal Code § 679.10 (protocol for law enforcement regarding signing of U visa certification requests; funding for reimbursement of costs)

Cal DOJ, Bulletin No. DLE-2015-04, New and Existing State and Federal Laws Protecting Immigrant Victims of Crime  
[https://oag.ca.gov/system/files/attachments/press\\_releases/dle-2015-04.pdf](https://oag.ca.gov/system/files/attachments/press_releases/dle-2015-04.pdf)

**T Visa:**

California Department of Justice, Human Trafficking, <https://oag.ca.gov/human-trafficking>

California Department of Justice, Human Trafficking Legislation, <https://oag.ca.gov/human-trafficking/legislation> (summary of many new bills relating to human trafficking)

California Department of Social Services, Benefits and Services,  
<http://www.cdss.ca.gov/Trafficking-Victims> (benefits available to trafficking victims in California)

**California Judicial Conference Materials**

**SIJS related:**

JV-356: <http://www.courts.ca.gov/documents/jv356.pdf> (Request for Special Immigrant Juvenile Findings – to be used in juvenile dependency or delinquency proceedings)

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FL-357/GC-224/JV-357: <http://www.courts.ca.gov/documents/fl357.pdf> (Special Immigrant Juvenile Findings – once signed by the court, to be submitted to USCIS to establish eligibility for SIJS)

Judicial Council Memorandum, SB 873 (Sept. 30, 2014):  
<http://www.courts.ca.gov/documents/jc-20141028-item1.pdf>

California Courts Website Self-Help Resources for Special Immigrant Juvenile Status:  
<http://www.courts.ca.gov/selfhelp-sijs.htm>