



OFFICE OF ASSEMBLYMEMBER

Marc Levine

TENTH ASSEMBLY DISTRICT

Assembly Bill 1324 Foster Children: Immigration Counsel

PURPOSE

AB 1324 seeks to protect undocumented children in foster care by ensuring that they are provided with legal immigration services.

BACKGROUND

While most undocumented children in foster care qualify for immigration relief, that relief is difficult to obtain without legal assistance, especially in today's political climate.

Special Immigrant Juvenile Status (SIJS) was enacted by the federal government to help abused and neglected undocumented children obtain lawful permanent residency in the United States, and in turn, provide greater stability for these young people.

Undocumented children who leave foster care without applying for SIJS or other forms of immigration relief will be unable to work and to transition to successful adulthood.

Current law requires that for a child who is 16 years of age or older and nonminor dependents, the case plan include information about any pending applications for SIJS and other forms of immigration relief. (*WIC § 16501.1(g)(16)(A)(ii)*). Additionally, prior to closing a case, the agency must provide a nonminor dependent with proof of citizenship or legal residency. (*WIC § 391(e)(2)(G)*).

However, there is no mechanism to ensure that dependent children and nonminor dependents who are undocumented receive legal assistance necessary to obtain immigration relief.

SUMMARY

This bill will ensure that the immigration needs of undocumented children in foster care are met by:

- Requiring notice to minor's counsel when a child/NMD is undocumented and in need of SIJS or other immigration relief; and
- Creating a funding source through the California Department of Social Services to contract with nonprofit legal services organizations to provide immigration legal services.

SUPPORT

Children's Law Center of CA (Co-Sponsor)
East Bay Children's Law Office (Co-Sponsor)
Law Foundation of Silicon Valley (Co-Sponsor)
Legal Services for Children (Co-Sponsor)

CONTACT

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