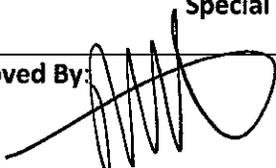


**Special Immigrant Juvenile Status and Immigration Services**

<b>Approved By:</b>  Ronald E. Richter, Commissioner	<b>Date Issued:</b> <u>6/26/13</u>	<b>Number of Pages:</b> 14	<b>Number of Attachments:</b> 3
<b>Related Laws:</b> <ul style="list-style-type: none"> <li>• Vienna National Convention on Consular Relations, Article 37 (b) (1963)</li> <li>• New York City Local Law 6 of 2010</li> </ul>	<b>Children's Services Divisions/Provider Agencies:</b> Child Protection; Financial Services; Family Support Services; Family Permanency Services; Policy, Planning and Measurement; Family Court Legal Services; Early Care and Education; Youth and Family Justice; and Provider Agency staff	<b>Contact Office /Unit:</b> Mark Lewis, Director Office of Immigrant Services (917) 551-7967 or <a href="mailto:SIJS@dfa.state.ny.us">SIJS@dfa.state.ny.us</a>  Harry Gelb, Esq. Assistant Director FCLS Legal Compliance (212) 442-3235 or <a href="mailto:Harry.Gelb@dfa.state.ny.us">Harry.Gelb@dfa.state.ny.us</a>	
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<b>Bulletins &amp; Directives:</b> 11-OCFS-ADM-01	<b>Related Policies:</b> N/A	<b>Supersedes:</b> SIJS Guidance 2009/07 dated August 28, 2009	
<b>Related Forms:</b> N/A			
<b>SUMMARY:</b> All youth in the care of Children's Services who may qualify for Special Immigrant Juvenile Status (SIJS) or other immigration benefits shall be identified and referred to immigration legal services providers. The purpose of this policy is to provide guidance to staff about how to identify eligible youth in foster care and assist them in obtaining valid proof of lawful immigration status. Obtaining lawful permanent residency assists youth in permanency planning because they become eligible for legal employment, housing programs, and financial aid for college in addition to being able to reside securely in the United States.			
<b>SCOPE:</b> This policy supplements the Special Immigrant Juvenile Status Commissioner's Memorandum dated January 26, 2007 and replaces the SIJS Guidance 2009/07 dated August 28, 2009. This policy applies to the Children's Services' Divisions of: Child Protection (DCP), Policy, Planning and Measurement (PPM), Family Permanency Services (FPS), Family Support Services (FSS), Financial Services (DFS), Family Court Legal Services (FCLS), Early Care and Education (ECE), Youth and Family Justice (DYFJ), and all provider agencies involved in the provision of services to youth in foster care, including youth in non-secure juvenile justice placements, who are not lawful permanent residents or citizens of the United States. This policy shall be used to identify non-qualified immigrant foster care youth and refer them, when appropriate, to immigration services providers. The policy shall also be used to assist youth in obtaining the documents necessary to obtain legal residency.			

## Special Immigrant Juvenile Status and Immigration Services Policy Highlights

- Provider agencies are required to **identify all immigrant youth in their care** who do not have U.S. citizenship or lawful permanent residence.
- All youth in foster care who are found to be non-U.S. citizens or do not have documentation of lawful permanent residence must be **referred promptly by the provider agency to immigration legal services providers.**
- All decisions on Special Immigrant Juvenile Status (SIJS) eligibility are made by the immigration legal services provider and are not made by Children's Services or the provider agency.
- The Child Protective Specialist (CPS) in the Division of Child Protection (DCP) is initially responsible for the **identification of youth on a child protective or voluntary placement case who may qualify for SIJS or other immigration benefits.**
- The CPS shall **discuss the youth's immigration status with the provider agency case planner during the transition meeting** to alert the case planner of the need to continue work on the youth's immigration status.
- The FCLS attorney must notify the Children's Services Office of Immigrant Services when youth who are identified as not having U.S. citizenship or lawful permanent residence by DCP or others are placed into foster care.
- All immigrant parents and non-foster care youth who come into contact with Children's Services, including those receiving preventive services, court-ordered supervision, and early care and education services, and those who come into brief contact with Children's Services (e.g., guardianship or custody cases in which Children's Services conducts a court-ordered investigation), shall **receive the pamphlet "Immigration Assistance for Children and Families"** from Children's Services and provider agencies informing immigrant parents and youth of the availability of free or low-cost immigration services and the benefits of securing legal status.

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## **I. Introduction**

- A. Youth in the care of Children's Services, including youth in non-secure juvenile justice placements, who are eligible to obtain lawful permanent residency through Special Immigration Juvenile Status (SIJS) or other immigration applications, must be afforded an opportunity to do so. It is therefore essential that the need for immigration services be identified promptly, and that youth are referred to immigration legal services in a timely manner.
- B. If a youth is found eligible for SIJS or other immigration benefits by an immigration legal services provider, Children's Services and provider agency staff, which includes foster care agencies and non-secure juvenile justice placement providers, must secure the documents necessary to submit with the appropriate application and track such youth until the completion of the youth's application or other immigration relief.
- C. Additionally, under this policy, all Children's Services' divisions and provider agencies that come into contact with members of families who are not citizens of the United States or who do not have documentation of lawful permanent residence (such as a green card) must provide these families with information on the availability of free immigration services.
- D. Under the SIJS plan ("the plan") developed in January 2011, pursuant to New York City Local Law 6 of 2010 (hereinafter "Local Law 6 of 2010"), Children's Services and provider agencies are responsible for the actions described below in this policy.

## **II. Identifying Youth Who May Qualify for SIJS Through Child Protective Investigation**

- A. The Child Protective Specialist (CPS) in the Division of Child Protection (DCP) is initially responsible for the identification of youth on a child protective or voluntary placement case who may qualify for SIJS or other immigration benefits.
- B. During the investigation stage of a child protective case, in order to determine if a parent or a youth requires assistance with his or her immigration status, the CPS must obtain the following information from the parent or caretaker:
  - 1. Youth's birth certificate;
  - 2. Youth's country of birth;
  - 3. Whether the parent and youth are U.S. citizens; and
  - 4. Whether the parent and youth have documentation of lawful permanent residence.
- C. The CPS must also record the information in Section II(B)(1-4) above in the Family Assessment and Service Plan (FASP) and progress notes in CONNECTIONS

(CNNX). The CPS shall include the need for a referral to immigration legal services in the youth's initial FASP in order to notify the agency with case planning responsibility of the youth's immigration needs.

- D. The CPS must provide the family with the Children's Services pamphlet "Immigration Assistance for Children and Families" when the family requires immigration services. This pamphlet informs immigrant parents and youth of the availability of free or low-cost immigration services and the benefits of securing legal status.
- E. The CPS shall complete the Family Service Intake (FSI) in CNNX, using the following steps, if a youth in the household is identified as not having U.S. citizenship or lawful permanent residence:
  - 1. Check "Immigration Services" under the "**Requested Services**" field in the FSI; and
  - 2. Record in the progress notes the youth's immigration status and type of action taken to assist the youth with his or her immigration issue, e.g., notifying the provider agency and the Family Court Legal Services (FCLS) attorney of his or her finding that the youth is not a lawful permanent resident or citizen of the U.S. The CPS shall do the following when opening the Family Service Stage (FSS) in CNNX:
    - a. Document the youth's country of birth and immigration status under the "**Family Background**" section of the FASP;
    - b. Select "Immigration Services" in the "**Service Choice**" section of the FASP if the youth is identified as in need of immigration services.; and
    - c. Document in the "**Family Service Plan**" section of the FASP the youth's immigration status and the steps that the case planner and youth must undertake to address the youth's immigration issue.
- F. During FCLS Intake (when a child protective petition is being screened or drafted) or at any time during the life of the case, the CPS must promptly notify the FCLS attorney on the case when the CPS identifies a youth who does not have U.S. citizenship or lawful permanent residence and who is or will be placed in foster care.
- G. The CPS shall discuss the youth's immigration status with the provider agency case planner during the transition meeting to alert the case planner of the need to continue work on the youth's immigration status.

### III. Children's Services' Divisional Responsibilities for Immigrant Youth

A. Division of Family Court Legal Services (FCLS)

1. Upon receiving the information, the FCLS attorney must notify the Children's Services Office of Immigrant Services (hereafter referred to as "Immigrant Services") when youth who are identified as not having U.S. citizenship or lawful permanent residence by DCP or others are placed into foster care. Notification shall occur via email to [SIJS@dfa.state.ny.us](mailto:SIJS@dfa.state.ny.us).
2. The FCLS attorney must inform the Attorney for the Child if a foster care youth does not have lawful permanent residence.

B. Immigrant Services

Immigrant Services must provide notification to the appropriate consulate consistent with the requirements of the Vienna Convention<sup>1</sup> and notify the provider agency once the youth is identified (if a provider agency is the case planner and/or is providing services to the youth).

C. Title IV-E

1. In addition to DCP investigations, Children's Services will identify youth who may qualify for SIJS or other immigration status through the Title IV-E process via the Central Eligibility Unit (CEU) of the Division of Policy, Planning and Measurement (PPM). The CEU will:
  - a. Screen all youth who enter foster care, including youth who are placed into non-secure juvenile justice placement, to determine if they have U.S. citizenship or legal immigration status as part of the process to determine Title IV-E eligibility; and,
  - b. Issue to Immigrant Services monthly reports of youth entering foster care who are not U.S. citizens or who do not have documentation of lawful permanent residence.

D. Division of Youth and Family Justice (DYFJ)

For youth detained in Division of Youth and Family Justice (DYFJ) detention facilities, DYFJ staff must provide the pamphlet "Immigration Assistance for Children and Families" informing immigrant youth of the availability of free or low-cost immigration services and the benefits of securing legal status.

E. Immigrant Parents and Non-Foster Care Youth

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<sup>1</sup> See Articles 36 and 37 of the Vienna Convention on Consular Relations at [http://untreaty.un.org/ilc/texts/instruments/english/conventions/9\\_2\\_1963.pdf](http://untreaty.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf) for additional information about consular notifications.

1. All other immigrant parents and youth who come into contact with Children's Services, including those receiving preventive services, court-ordered supervision, and early care and education services, and those who come into brief contact with Children's Services (e.g., guardianship or custody cases in which Children's Services conducts a court-ordered investigation), shall receive the pamphlet "Immigration Assistance for Children and Families" from Children's Services and provider agencies informing immigrant parents and youth of the availability of free or low-cost immigration services and the benefits of securing legal status.
2. Immigrant parents and youth that have been involved in child protective cases may qualify for special types of immigration relief available for undocumented victims of crimes such as domestic violence. U-Visas, a form of immigration relief that may lead to a green card, may be available to parents and/or their children who do not have lawful permanent residence, are victims of domestic violence or other crimes (such as trafficking or assault), and were cooperative in the Children's Services investigation. Additionally, the Violence Against Women Act (VAWA) (another form of immigration relief that may lead to a green card) may be available to immigrant parents and/or children who are the victims of domestic violence committed by a spouse or parent who is a U.S. citizen or permanent resident. Some of these benefits are time-sensitive, and immigrant youth and parents must be advised to seek the help of an experienced immigration attorney as soon as possible to find out what immigration benefits they may qualify for. A list of free legal services providers who screen clients for possible immigration relief is included in the above referenced pamphlet.

#### **IV. Identifying Youth Who May Qualify for SIJS Through Provider Agencies**

Provider agencies are required to identify all immigrant youth in their care who do not have U.S. citizenship or lawful permanent residence. Providers shall:

- A. Include in their intake forms questions necessary to determine the youth's country of birth and/or whether a youth has a U.S. birth certificate. These questions shall be asked regardless of the type of foster care placement (e.g., voluntary placement, child protective, juvenile justice placement in a non-secure level of care, or Person In Need of Supervision (PINS)).
- B. Designate a SIJS/Immigration Liaison or point person who will be the contact person for Immigrant Services. The provider agency's SIJS/Immigration Liaison will work closely with Immigrant Services so that all identified youth are referred to immigration legal providers and receive appropriate services in a timely manner.

- C. For youth entering and/or currently in foster care, document in CNNX each foster care youth's country of birth and whether there is proof of U.S. citizenship or lawful permanent residence in the youth's file. If the youth is not a U.S. citizen or lacks documentation of lawful permanent residence in his or her file, agency staff shall:
1. Select "Immigration Services" in the "Service Choice" section of the FASP. This section must be updated in subsequent FASPs to reflect the progress made, if any, to assist the youth with his or her immigration issue; and,
  2. Document in the "Family Service Plan" section of the FASP the youth's immigration status and the steps that the case planner and youth must undertake to address the youth's immigration issue. See Sections V and VI for additional information about the steps that a case planner must undertake.
- D. Promptly notify Immigrant Services when staff identify any immigrant youth in foster care.
- E. Record in the CNNX progress notes all immigration related services, contacts and actions. Prior to requesting updated information from provider agencies, Immigrant Services must review the progress notes of identified immigrant youth to determine SIJS case status. Children's Services will only make informational requests to the provider agency if the data has not been entered into the progress notes.
- F. **Note: Provider agencies and Children's Services must NEVER contact United States Citizenship and Immigration Service (USCIS) or United States Immigration and Customs Enforcement (ICE) to discuss a family member's or youth's immigration status or any immigration application, including SIJS. All immigration inquiries and applications must be handled through a qualified immigration attorney (see Section V - Referring Youth Who Need Immigration Services to Immigration Legal Services Providers). The attorney will assess the youth's eligibility based on the criteria listed in Section V and provide advice accordingly. For further guidance, provider agencies shall contact Immigrant Services**

**V. Referring Youth Who Need Immigration Services to Immigration Legal Services Providers**

- A. The provider agency must refer all identified youth who do not have U.S. citizenship or proof of lawful permanent residence to immigration legal services providers within four (4) months of entering foster care. A list of immigration legal services providers who accept referrals for immigrant youth in foster care is attached to this policy as Attachment A.

- B. In situations in which the youth has been identified as an immigrant after he or she has been in foster care more than four (4) months, provider agencies must refer the youth to immigration service providers as soon as possible, and, at the latest, within sixty (60) days of the identification of the youth's status.
- C. Immigration legal services providers will make confidential inquiries regarding the youth's background and history to assess eligibility for SIJS or other immigration benefits. The legal services provider may later ask the provider agency to assist in this process, as well as in matters of obtaining documentation, application fees, and other required items.
- D. Prompt referral to an immigration legal services provider is important so that the application process can be commenced expeditiously. If a SIJS-eligible youth is over 16 years of age, the process of referral and document collection must be expedited according to the guidelines listed above in Section V (A-C). This is essential in order to meet the legal filing deadline and to complete other necessary services required to process the SIJS request.
- E. **Note:** Agencies must inform Immigrant Services of any referrals made to these providers. Please forward all relevant information to [SIJS@dfa.state.ny.us](mailto:SIJS@dfa.state.ny.us).

#### **VI. Assisting Youth in Obtaining Necessary Documents for the SIJS Application**

- A. Securing foreign birth certificates can be a long, difficult process and can delay the SIJS process. Once it has been determined that the youth is not a U.S. citizen or lawful permanent resident, and the original birth certificate is not available, the provider agency must immediately begin the process of securing the youth's foreign birth certificate.
- B. Before a youth's attorney submits the SIJS application, the provider agency shall assist the attorney in the collection of the necessary documents. These documents include the youth's:
  - 1. Birth certificate;
  - 2. Passport;
  - 3. Court orders and dispositions;
  - 4. Medical examination; and,
  - 5. Other identification papers.
- C. To obtain a copy of a foreign birth certificate, provider agencies can either request assistance from the Children's Services Centralized Services Unit (Centralized Services Unit) of the Division of Family Permanency Services (FPS) or directly contact the consulate of the youth's home country. Immigrant Services has completed a guide to securing key documents, such as birth certificates, from the ten consulates that represent the largest number of immigrant families that come into contact with Children's Services. This guide will prove useful in assisting provider agencies and

the Centralized Services Unit. The Consulate Guide is available at <http://10.239.3.195:8080/docushare/dsweb/Get/Document-190153/ConsulateGuide.doc>, on the Children's Services Intranet under Immigrant Services, or by contacting [SIJS@dfa.state.ny.us](mailto:SIJS@dfa.state.ny.us).

## VII. Criteria for SIJS Eligibility

- A. All youth in foster care who are found to be non-U.S. citizens or do not have documentation of lawful permanent residence must be referred promptly by the provider agency to immigration legal services providers. **All decisions on SIJS eligibility are made by the immigration legal services provider and are not made by Children's Services or the provider agency.** If the youth is not found eligible for SIJS by the immigration legal services provider, that legal provider will also screen the youth for other immigration applications.
- B. The immigration legal services provider may use specific criteria including but not limited to the following criteria to make a legal assessment of SIJS eligibility:
  - 1. At the time of application, the youth must be under 21 years of age and not married.
  - 2. SIJS applicants must submit an order from the Family Court in support of a SIJS application making requisite factual findings (often called a Special Findings Order). A sample Special Findings Order is attached to this policy as Attachment C. The Special Findings Order is requested from the Family Court by the Attorney for the Child or the immigration legal services provider.
  - 3. A young person does not need to be the subject of a child protective proceeding in order to obtain a Special Findings Order. The orders can be obtained in other Family Court cases that include voluntary foster care placements, juvenile justice cases, PINS cases, destitute child placements, guardianship cases, and custody cases.

## VIII. SIJS Applications

- A. Having determined potential SIJS eligibility and acquired the Special Findings Order, the child's immigration attorney will initiate the application for SIJS.
- B. It is the provider agency's responsibility to provide the SIJS immigration attorney with necessary documents (e.g., passport, birth certificates, Family Court orders, and other required documentation) needed to supplement the SIJS application, and/or to assist in obtaining those documents. The local consulate of the youth's home country may be able to provide the provider agency with assistance, including obtaining these necessary documents. Once the provider

agency obtains the supplemental documents, the immigration attorney must submit them to the USCIS along with the following forms:

1. Application for SIJS (Form I-360);
  2. Application for Legal Permanent Residency (Form I-485); and,
  3. Employment Authorization Application (Form I-765), which must be submitted in conjunction with Forms I-485 and I-360.
- C. **Note:** If a provider agency has difficulty obtaining assistance from the local consulate of the youth's country, the provider should contact the Centralized Services Unit at (212) 442-1589.

#### **IX. SIJS Application Fees and Fee Waivers**

- A. There are several fees associated with the SIJS application process, such as application fees, medical examination fees, and birth certificate, passport and legal fees. Attachment B lists all the current applicable fees associated with the SIJS application.
- B. Youth in foster care, including youth in non-secure juvenile justice placements, are eligible for fee waivers for certain immigration agency fees associated with the SIJS application (i.e., I-485 and I-765 fees). It is Children's Services policy that immigration legal services providers representing immigrant youth in the custody of Children's Services must apply for fee waivers for immigration application fees unless there are justifiable grounds for not applying for the fee waiver, such as when a youth is 20 and a half years old and older. If an immigration legal services provider decides that there are justifiable grounds for not applying for a fee waiver, the immigration legal services provider shall request approval from Immigrant Services. Immigrant Services must review the request and notify both the immigration legal services provider and provider agency if the request is approved. If approved, the provider agency shall provide the payment to the immigration legal services provider and will be reimbursed by Children's Services, as noted below.
- C. For non-waivable fees associated with the immigration application process (i.e., fees charged by consulates for birth certificates and passports, and fees for medical examinations, passport photos, and court orders), the provider agency must issue payment for the fees immediately upon request of the child's immigration attorney. These costs are reimbursable by Children's Services, and should be claimed as a special payment directly from Children's Services Payment Services using the Standard Detail Sheet. Please see Attachment B for a list of current applicable fees.

#### **X. The Adjustment of Status Interview**

- A. After the immigration attorney submits the SIJS application, USCIS will acknowledge receipt of the application and schedule the applicant for fingerprinting. Subsequently, USCIS will indicate the scheduled date for an "adjustment of status" interview at a district immigration office.
- B. The immigration attorney must prepare the youth for the adjustment of status interview and represent the youth during the interview. A provider agency worker may also accompany the youth to provide support, but may not be allowed into the interview. The provider agency is responsible for providing required documents for the interview to the immigration attorney and for arranging for the youth to be produced at the interview. Timely attendance at this interview is extremely important as lateness is excused only in very limited circumstances. Failure to appear at a fingerprinting or adjustment of status interview may result in the denial of the application and initiation of removal proceedings.

**XI. Decision Notification**

Sometimes the decision of approval is made at the interview, but the notification can also occur at a later date. USCIS may request additional documents or evidence and offer additional time for a response. Once the requested additional documents are submitted, the youth will receive a decision regarding whether the application has been granted or denied. If the adjustment of status application is denied, the notice of denial will inform the applicant of his or her rights to appeal.

**XII. Tracking Youth Who May Qualify for SIJS or Other Immigration Relief**

Consistent with Local Law 6 of 2010 and the SIJS plan, Immigrant Services is implementing a tracking system, in cooperation with provider agencies and immigration legal services providers, which includes the following items:

- A. Youth without U.S. citizenship will be tracked by Children's Services from identification until the youth obtains legal permanent residency and/or the legal process is completed. Youth will be identified by DCP, DYFJ, Title IV-E, provider agencies, and the Attorney for the Child. Immigrant Services will receive this information and will be responsible for tracking youth.
- B. Immigrant Services shall notify the provider agency that a youth in its care may be eligible for SIJS or other immigration relief.
- C. The provider agency will advise whether the youth's birth certificate is in the case record. If it is not, the provider agency will either obtain the youth's birth certificate on its own, or submit a request to the Children's Services Office of Vital Statistics (212-676-6639) (in FPS) for foreign birth certificates.

- D. As noted above, within four (4) months of the youth entering foster care, or within sixty (60) days of determining non-qualified immigrant youth status, if the initial four (4) months has passed, the provider agency shall refer the youth to an immigration attorney. The provider shall then enter the information into the FASP as a service need.
- E. Immigrant Services will seek information, subject to confidentiality requirements, on whether or not the case has been accepted by an immigration legal services provider and, subsequently, whether an application for SIJS or other immigration relief has been filed or a green card has been received, or whether there are any delays in obtaining required documents.
- F. As noted above, prior to requesting updated information from provider agencies, Immigrant Services must review the progress notes in the case records of the identified immigrant youth in an attempt to determine his or her SIJS case status. Informational requests to the provider agency's SIJS Liaisons will be made only if the data is not found in the progress notes.

### **XIII. Training**

- A. Local Law 6 of 2010 requires Children's Services to provide mandatory training programs on immigration benefits, including SIJS, for appropriate Children's Services and provider agency staff.
- B. Children's Services has developed a training video/DVD on SIJS and other immigration relief. Training will include but not be limited to best practices for asking youth and families about their country of birth and requesting documentation, such as green cards, visas, etc., in order to determine a youth's immigration status. The video will be posted on the Children's Services Intranet at <http://nycacs/immigrant> for easy access by ACS staff. Copies may be requested from Immigrant Services by e-mailing [SIJS@dfa.state.ny.us](mailto:SIJS@dfa.state.ny.us). The Children's Services James A. Satterwhite Academy (of PPM) will use the video to train DCP staff as part of their immigration and cultural competency training. Copies of the video, as part of a SIJS training packet, will be given to provider agencies to be used to train new and existing staff on SIJS and other immigration benefits.
- C. Immigrant Services will also provide classroom trainings to appropriate Children's Services and provider agency staff. Supervisors will be trained on SIJS and other immigration benefits, and Immigrant Services will work with DCP borough training directors to train DCP front line staff.
- D. Provider agency directors will be briefed on the SIJS plan at scheduled quarterly meetings. All provider agencies' SIJS liaisons will be expected to attend mandatory training on SIJS and other immigration benefits. Each agency will then train all supervisors, case planners and staff who work directly with youth and

families on SIJS. Children's Services will provide training material to provider agencies to use in their own training. The material will include the Children's Services SIJS policy, a DVD/PowerPoint presentation on SIJS and immigration benefits, a list of immigration legal services providers to whom they may refer their clients, and a SIJS pamphlet to be provided to youth.

- E. Finally, Immigrant Services will combine efforts with non-profit organizations to train provider agencies on SIJS and other immigration benefits.

#### **XIV. Mechanisms and Indicators for Monitoring Compliance**

##### **A. Provider Agency Monitoring**

As part of the transition planning for youth who are 17 years of age or older, provider agencies must complete a Preparing Youth for Adulthood checklist during the permanency conference every six (6) months. This checklist includes a number of specific questions related to immigrant youth, including whether the youth has a green card, and, if not, whether the youth has been referred for immigration legal services and has received legal status through those efforts. Immigrant Services will monitor the number of youth identified as needing immigration relief and those referred to legal providers for services.

##### **B. Indicators**

1. Children's Services will use the following indicators to monitor its own compliance and achievements under the plan:
  - a. Number of Children's Services staff trained on SIJS, broken down by title;
  - b. Number of foster care SIJS liaisons trained by Children's Services;
  - c. Number of immigrant youth identified by DCP and the Title IV-E process; and
  - d. Number of immigrant youth successfully identified by Children's Services whose provider agency was notified to follow up.
2. Children's Services will use the following indicators to monitor provider agency compliance and achievements under the plan:
  - a. Provider agency's steps to implement the plan, including designating a SIJS liaison, modifying its intake forms to include a section on SIJS and other immigration benefits, and entering immigration service needs into the FASP;
  - b. Timeliness of referral of immigrant youth to immigration legal services providers; and

- c. Number of SIJS liaison and other provider agency staff receiving training from the provider agency on SIJS and other immigration relief.

**XV. Methods for Collecting Data and Evaluating Outcomes**

- A. Immigrant Services must review case records, and receive information from DCP, FCLS, Title IV-E, provider agencies and immigration legal services providers needed for the tracking system. The tracking system must contain sufficient data to enable the evaluation of three key questions:
  - 1. Are immigrant youth in foster care who are in need of immigration relief, such as SIJS or other immigration benefits, being identified on a timely basis?
  - 2. Are identified immigrant youth being referred for immigration legal services on a timely basis?
  - 3. Are eligible identified immigrant youth receiving SIJS or other immigration benefits on a timely basis?
- B. On an annual basis, Immigrant Services will review a sample of cases and prepare an evaluation report answering these three questions. In addition, Immigrant Services will report aggregate data detailing the number of immigrant youth in foster care; number of immigrant youth entering foster care in that year, number of immigrant youth referred to immigration legal services providers, and the number of immigrant youth receiving SIJS or other immigration benefits.

For additional information on SIJS immigration issues, please contact Mark Lewis, Director of the Children's Services Office of Immigrant Services, at [SIJS@dfa.state.ny.us](mailto:SIJS@dfa.state.ny.us) or (917) 551-7967.

For additional information on Family Court Legal Services (FCLS)-related SIJS issues, please contact Harry Gelb, Esq., Assistant Director of Legal Compliance, at [Harry.Gelb@dfa.state.ny.us](mailto:Harry.Gelb@dfa.state.ny.us) or (212) 442-3235.

## ATTACHMENT A

### SIJS-Approved Immigration Legal Services Providers<sup>1</sup>

#### **Atlas-DIY<sup>2</sup>**

SIJS Contact: Lauren A. Burke, Esq.  
[lauren.orgatlas@gmail.com](mailto:lauren.orgatlas@gmail.com)

#### **Catholic Charities Community Services, Immigration Services Department**

SIJS Contact: Mario Russell, Esq.  
[mario.russell@archny.org](mailto:mario.russell@archny.org)

#### **Catholic Migration Services**

SIJS Contact: Julia Hernandez, Esq.  
1258 65 Street, Brooklyn, NY 11219  
Tel: 718-236-3000, Ext. 207  
Fax: 718-256-9707  
[jhernandez@catholicmigration.org](mailto:jhernandez@catholicmigration.org)

#### **The Door Legal Services**

SIJS Contact: Eve Stotland, Esq.; Sara Rosales  
Tel: 212-941-9090, Ext. 3288 (Ms. Stotland) or Ext. 3280 (Ms. Rosales)  
[estotland@door.org](mailto:estotland@door.org); [srosales@door.org](mailto:srosales@door.org)

#### **Lawyers for Children, Immigrant Rights Project**

SIJS Contact: Myra Elgabry, Esq.  
Tel: 212-966-6420, Ext. 638  
[melgabry@lawyersforchildren.org](mailto:melgabry@lawyersforchildren.org)

#### **Legal Aid Society, Immigration Law Unit**

SIJS Contact: Maria Navarro, Esq.  
Tel: 212-577-3328  
[mnavarro@legal-aid.org](mailto:mnavarro@legal-aid.org)

#### **Lutheran Social Services of New York, Immigration Legal Project**

SIJS Contact: Lisa Braff, Esq.  
Tel: 212-265-1826, Ext. 3011  
[lbraff@lssny.org](mailto:lbraff@lssny.org)

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<sup>1</sup> Updates or changes to the list of approved immigration legal services providers may be found on the Children's Services Intranet at <http://nycacs/immigrant>.

<sup>2</sup> Atlas-DIY will only accept referrals for youth who already have Special Findings Orders from Family Court.

**New York Law School, Safe Passage Project**

SIJS Contacts: Lenni Benson, Esq.; Bethany Ow, Esq.

Tel: 212-431-2336

[Lenni.benson@nyls.edu](mailto:Lenni.benson@nyls.edu); [Bethany.Ow@nyls.edu](mailto:Bethany.Ow@nyls.edu)

**Safe Horizon Immigration Law Project**

SIJS Contact: Lynn Neugebauer, Esq.

Tel: 718-943-8634

[lneugebauer@safehorizon.org](mailto:lneugebauer@safehorizon.org)

**Sanctuary for Families (Manhattan Office)**

Immigration Intervention Project

SIJS/Asylum contact: Archi Pyati, Esq.

Tel: 212-349-6009, Ext. 324

[apyati@sffny.org](mailto:apyati@sffny.org)

**Sanctuary for Families (Brooklyn and Bronx Office)**

Immigration Intervention Project

SIJS Contact: Deborah Lee, Esq.

NYC Family Justice Center, Brooklyn

350 Jay Street, 15th Floor

Brooklyn, NY 11201

Tel: 718-250-4402

Fax: 718-624-4240

[dlee@sffny.org](mailto:dlee@sffny.org)

**Sanctuary for Families (Queens Office)**

Immigration Intervention Project

SIJS Contact: Melissa Brennan, Esq.

NYC Family Justice Center, Queens

126-02 82nd Avenue

Kew Gardens, NY 11415

Tel: 718-575-4529

Fax: 718-268-1213

[MBrennan@sffny.org](mailto:MBrennan@sffny.org)

**Urban Justice Center**

Peter Cicchino Youth Project (Serving lesbian, gay, bisexual, transgender or questioning youth)

SIJS Contact: Megan Stuart, Esq.

Tel: 646-602-5643/877-LBGT-LAW

Fax: 212-533-4598

[MStuart@urbanjustice.org](mailto:MStuart@urbanjustice.org)

## ATTACHMENT B

### Special Immigrant Juvenile Status (SIJS) Fees

SIJS fees are subject to change by the United States Citizenship and Immigration Services (USCIS); therefore all SIJS fees must be verified by the immigration attorney before submitting an application with payment. **The current SIJS fees are as follows:**<sup>1</sup>

- i. Application for SIJS (Form I-360) Fee- no fee;
- ii. Application for Legal Permanent Residency (Form I-485) Fee- \$985 (may be waived by immigration agency);
- iii. Application for Employment Authorization (Form I-765) Fee - \$380 for youth over 14 years old (may be waived by immigration agency);
- iv. Biometrics (fingerprinting) Fee- \$85 (may be waived by immigration agency);
- v. There is a requirement for a medical examination by authorized providers and the costs will vary from as low as \$80 if the child or provider agency can document vaccinations, to as high as \$300;
- vi. Passport photos, approximately \$10-\$20;
- vii. Passports and birth certificates from the native country may also be required, and these costs will vary by consulate;
- viii. In some cases, youth may be required to provide certificates of disposition from criminal court matters and/or copies of other court orders, and costs will vary depending on the court;
- ix. Additionally, Children's Services will reimburse provider agencies for up to \$1000 for legal services associated with assisting youth in foster care through the SIJS process. As indicated above, provider agencies should pay the legal services provider directly and Children's Services will reimburse these costs.

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<sup>1</sup> Fees quoted are as of May 2013.

(Special Immigrant Juvenile Status Order)

At a Term of the Family Court of the State of New York, held in and for the County of \_\_\_\_\_ at \_\_\_\_\_, New York on \_\_\_\_\_, \_\_\_\_.

PRESENT: Hon.

-----X

Docket No. Family File No. ORDER-Special Immigrant Juvenile Status

-----X

This Court, after examining the motion papers and supporting affidavits, all the pleadings and prior proceedings in this matter, and/or hearing testimony, finds, in accordance with 8 U.S.C. § 1101(a)(27)(J), that:

- 1. The above-named child is under 21 years of age.
2. The above-named child is unmarried.
3. The above-named child is dependent upon the Family Court, or has been committed to or placed in the custody of a state agency or department, or an individual or entity appointed by the state or Family Court.
4. Reunification with one or both of his/her parents is not viable due to [check applicable box(es)]: [ ] abuse; [ ] neglect; [ ] abandonment; and/or [ ] a similar basis under New York law because [specify the basis for the determination]:

5. It is not in the child's best interest to be removed from the United States and returned to [specify country]: \_\_\_\_\_, his/her country of nationality or country of last habitual residence of the child or of his/her birth parent or parents.

Dated:

ENTER

Judge of the Family Court

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Check applicable box:

- [ ] Order mailed on [specify date(s) and to whom mailed ]: \_\_\_\_\_
[ ] Order received in court on [specify date(s) and to whom given]: \_\_\_\_\_