

Lawyers' Challenge for Children: Spotlighting The Sí Project

By Ari Mathé
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The issue of immigrants' rights floods daily headlines and nearly tops the list of Americans' current political concerns. While the state of current law remains in flux regarding the status and rights of new entries to the United States, one aspect of immigration law has been clear, if not well known, for the past sixteen years. In 1990, Congress created a special visa category called "Special Immigrant Juvenile Status" to allow certain children in foster care to petition for "permanent residence status" (a green card). SIJS permits eligible children to obtain various government benefits and assistance that are not available to undocumented individuals.

A child is eligible to petition for SIJS if the child is: (1) in foster care, (2) under the age of twenty-one, (3) unmarried, (4) in the legal custody of a state or local agency due to abuse, abandonment or neglect, and (5) neither family reunification nor returning the child to her country of origin is in the child's best interest. Although the petitioning process is relatively simple, the child and her custodian (usually the Department of Family and Children's Services) need the assistance of an attorney to navigate the paperwork and other requirements set forth by the Immigration and Naturalization Service—enter The Sí Project.

Through the creativity of Juvenile Court Judge Mary Carden and the organizational leadership of Georgia Legal Services Managing Attorney Wendy Glasbrenner, the Northeastern Judicial Circuit has developed The Sí Project ("sí," meaning "yes" but also standing for "special immigrants"), which recruits and trains volunteer attorneys to assist eligible children in petitioning the federal government for SIJS. The Sí Project kicked off in Spring of 2006 with its initial training of several volunteer attorneys and has plans to conduct a second training this summer. The trained volunteer attorneys receive referrals from an eligible child's CASA worker or DFCS case manager, then spring into action to complete and process the child's SIJS petition and other documentation.

Within just a month of her training, Stephanie Woodard (a local private attorney), assisted one eligible child in obtaining much-needed government services by petitioning INS for Special Immigrant Juvenile Status. The child, Israel, is a profoundly mentally retarded teen, who has been in the care and custody of the Department of Family and Children's Services since 1999, when his mother turned over his care to DFCS. Israel now has no family to care for him and, due to his illness, will never be able to care for himself. Without Ms. Woodard's efforts to secure SIJS for him, Israel's DFCS case manager would be left with no choice but to drive him to the Mexican border and release Israel with no person or agency to care for him, as his eligibility for a group home placement and other services through DFCS was set to expire soon.

Attorney Chuck Kuck of Kuck Casablanca LLC, who is the Vice President of the American Immigration Lawyers Association, provided the group's training and regularly teaches attorneys across America about Special Immigrant Juvenile Status and how attorneys can petition for SIJS on behalf of their clients. Mr. Kuck states that, at present,

there are no other SIJS programs similar to The Sí Project in Georgia, so many more are needed. If attorneys, circuits, or local juvenile courts are interested in developing a similar project in their area, Chuck is willing to provide training free of charge and can be contacted at 404-816-8611 or at ckuck@immigration.net. Interested volunteers can also access resources on the AILA website at www.aila.org, the INS website at www.uscis.gov as well as “The Immigrant Legal Resource Center Special Immigrant Juvenile Handbook” at www.ilrc.org/resources/sijs/2005%20SIJS%20manual%20complete.pdf.