

Potential Immigration Remedies for Immigrant Youth

Rebecca Leibowitz, Managing Attorney

924 Bethel Street, Honolulu, HI 96813 | (808) 536-4302



The Hawaii Immigrant Justice Center

- A division of the Legal Aid Society of Hawaii.
- Assist victims of domestic violence and other serious crimes with immigration matters.
- Also assists other individuals with low incomes with immigration related matters.
- Statewide

Brief Overview of Immigration Remedies for Youth

- Document replacement (for lawful permanent residents and COFA migrants)
- Special Immigrant Juvenile Status (a potential path for citizenship for undocumented youth and COFA migrant youth who are under the jurisdiction of family court)
- U and T visa applications (a potential path for citizenship for undocumented youth and COFA migrant youth and their families when the youth or family member has been a victim of human trafficking, domestic violence or other serious crimes).

Common scenarios facing youth in child welfare cases

Document Replacement

For Lawful Permanent Residents: Lawful Permanent Residence (LPR) status does not expire. Green cards expire but the underlying status does not. Child can apply to renew the green card.

For COFA Migrants: COFA status also does not expire. Proof of immigration status is usually the form I-94 (entry document) and current passport. Passports are obtained from the appropriate consulate. I-94s can usually be found online at [i94.cbp.dhs.gov > I94](https://i94.cbp.dhs.gov/i94). Requires knowing the passport number of the passport used at entry.

Common scenarios facing youth in child welfare cases

Special Immigrant Juvenile Status

- SIJS is a pathway to Legal Permanent Resident (LPR) status for undocumented or COFA migrant children that have been abused, neglected, or abandoned by and cannot be reunited for one or both parents and for whom it is not in the best interest to be returned to their home country
- A Juvenile Court is any State Court in the United States that has jurisdiction under State law to make judicial determinations about the custody and care of juveniles
- A State Juvenile Court must determine if the child meets the requirements under State law to grant a predicate order for SIJS relief
- Once a Juvenile Court issues the predicate order the child may file for SIJS status at USCIS (US Citizenship and Immigration Services).
- The child must still be under the jurisdiction of the Juvenile Court when the SIJS application is filed with USCIS.

Common scenarios facing youth in child welfare cases

T Visa/T non-immigrant status and U non-immigration status

- T status is a pathway to Legal Permanent Residence (LPR) status for immigrant survivors of human trafficking (sex and labor trafficking)
- U status is a pathway to Legal Permanent Residence status for survivors of other serious crimes included domestic violence, felonious assault and sexual assault
- Generally requires that the victim (and/or their parent) reasonably assist law enforcement
- Victims of sex trafficking who were under the age of 18 when trafficked do not have a reporting requirement
- Law enforcement can assist in the application process by signing a certification of helpfulness. In order to apply for a U visa, the applicant must obtain a certification from a law enforcement.
- These applications can benefit a survivor's family members also.

Role of Child Welfare Professional

- Uniquely positioned to identify and assist child victims by:
 - i. Referring child to immigration attorney
 - ii. Providing assessments and reports to assist courts make findings to establish SIJ eligibility
 - iii. Collect important documents, such as proof of age and identity

Mahalo

Are there any questions?

For more information, please contact:

Rebecca Leibowitz, rebecca.leibowitz@legalaidhawaii.org
808-380-5236

LASH GENERAL INTAKE LINE 808-536-4302

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