

# THE JUVENILE COURT'S ROLE IN IMMIGRATION PETITIONS

## YOU ARE NOT GRANTING IMMIGRATION BENEFITS!

BY SIGNING A CERTIFICATION OR PREDICATE ORDER, YOU ARE **NOT** GRANTING IMMIGRATION BENEFITS.

- ✓ Your cooperation in this first phase is necessary for an immigrant to apply for victim-based immigration relief

## WHAT ARE THE DIFFERENT TYPES OF VICTIM-BASED RELIEF?

- ✓ **U-Visa:** "for victims of certain crimes who *have suffered mental or physical abuse and are helpful to law enforcement* or government officials in the investigation or prosecution of criminal activity."
- ✓ **T-Visa:** "for those who are or have been *victims of human trafficking*, protects victims of human trafficking and allows victims to remain in the United States to assist in an investigation or prosecution of human trafficking."
- ✓ **Violence Against Women Act (VAWA) Self-Petition:** "The VAWA provisions in the INA allow certain spouses, children, and parents of U.S. citizens and certain spouses and children of permanent residents (Green Card holders) *to file a petition for themselves, without the abuser's knowledge*. This allows victims to seek both safety and independence from their abuser, who is not notified about the filing."
- ✓ **Special Immigrant Juvenile Status (SIJS):** "The purpose of the SIJ program is to help foreign children in the United States who have been abused, abandoned, or neglected."

## U- AND T-VISAS: REQUIREMENTS

- ✓ Must have been a victim (or the parent or child of a victim) of a qualifying crime
- ✓ Must have suffered mental and/or physical abuse
- ✓ Must have been helpful in the investigation or prosecution of criminal activity
- ✓ Must have a signed certification from law enforcement or government officials attesting to helpfulness in investigation or prosecution

## VAWA: REQUIREMENTS

- ✓ Must have been a victim (or the parent or child of a victim) of domestic violence
- ✓ No need to show compliance with investigation or prosecution; no need to even show domestic abuse was ever reported to police or other government agency

## SIJS: REQUIREMENTS

- ✓ Must be under the age of 21 and unmarried
- ✓ Must show reunification with **one OR both** of child's parents is not viable because of abuse, abandonment OR neglect
- ✓ Must demonstrate child's best interest would not be served by returning to his/her country of origin
- ✓ Must have been declared a dependent of the court, state, agency or private person (by way of the predicate order)



665 136<sup>th</sup> Avenue | Suite 150 | Holland 49424  
(616)298-8984  
admin@lighthouseimmigrantadvocates.com

## WHAT IS THE PREDICATE ORDER?

- ✓ A state court in the United States must decide:
  - To declare that undocumented juvenile is a dependent of the court or to legally place him/her with a state agency, a private agency, or a private person and
  - It is not in undocumented juvenile's best interests to return to his/her home country (or the country s/he last lived in) and
  - Undocumented juvenile cannot be reunited with a parent because of ANY of the following:
    - Abuse
    - Abandonment
    - Neglect
    - Similar reason under state law

## WHAT IS THE U-VISA CERTIFICATION?

- ✓ "[T]he official must confirm that you were helpful, and currently being helpful, or will likely be helpful in the investigation or prosecution of the case."
- ✓ Courts, prosecutors, and/or law enforcement officials are merely attesting to the existence of a crime and that the victim assisted in the investigation and/or prosecution of the case

## WHEN SHOULD I REFER A CASE TO AN IMMIGRATION ATTORNEY?

- ✓ Anytime an undocumented immigrant is the victim or witness of child abuse, domestic abuse, or sexual abuse, sexual assault, or another violent crime
- ✓ Anytime an undocumented juvenile immigrant is the victim of abuse, neglect or abandonment
- ✓ Ideally, anytime you work with an undocumented immigrant, you should encourage him/her to consult with an immigration attorney

## WHAT SHOULDN'T I DO WHEN WORKING WITH AN UNDOCUMENTED VICTIM?

- ✓ Do not become a player in the system of violence by indirectly forcing a vulnerable person back into an abusive situation
- ✓ **DO NOT** violate community trust by reporting an undocumented victim to Immigration and Customs and Enforcement (ICE)
- ✓ Do not assume an undocumented victim is capable of helping him or herself like a U.S. citizen victim, especially where there is a language barrier
  - Consider the vulnerability of an undocumented victim and the difficulty s/he may encounter in seeking services and community resources
  - This especially applies to agencies like DHHS and CPS who are in positions of significant power over vulnerable victim families

## WHEN IN DOUBT, CONTACT LIGHTHOUSE IMMIGRANT ADVOCATES!

- ✓ Contact us with any questions or needs!
  - When dealing with a vulnerable population, it is important to collaborate with community agencies and resources
  - We are attorneys educated in immigration law and related legal fields and we love to share our knowledge and resources



665 136<sup>th</sup> Avenue | Suite 150 | Holland 49424  
(616)298-8984  
admin@lighthouseimmigrantadvocates.com