



## League of United Latin American Citizens

August 27, 2014

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Dear Senate and Assembly Committees on Budget and Fiscal Review,

Please support Senate Bills 872 & 873 and Assembly Bills 1476 and 1477. These measures represent California's commitment to aiding the unaccompanied minors to receive their due process under the law. These measures will aid unaccompanied minors seeking legal permanent residency through special immigrant juvenile status. The measures will also direct \$3,000,000 to be used for legal services for the unaccompanied minors.

Unaccompanied minors may be eligible for Legal Permanent Residency if they are granted Special Immigrant Juvenile Status. A child cannot apply to the United States Citizenship and Immigration Services ("USCIS") for Special Immigrant Juvenile Status ("SIJS") without predicate orders from STATE COURT. Indeed, to petition for Special Immigrant Juvenile Status a child must have a STATE COURT order that contains certain findings that USCIS uses to determine the child's eligibility for this Special Immigrant Visa Category. The STATE COURT that makes these orders must have the authority under state law to decide on the custody and care of children. (8 U.S.C. Sec. 1101(a)(27)(J); 8 C.F.R. Sec. 204.11) These STATE COURTS include probate court, family court, adoption court, and juvenile dependency and delinquency courts. If a petitioner requests an order from a STATE COURT to make the necessary findings needed for that child to petition USCIS for Special Immigrant Juvenile Status (and get Legal Permanent Residency), the STATE COURT is supposed to make those findings if they are supported and issue an order with those findings.

A problem these children are facing in the STATE COURT system is that some STATE COURT judges are refusing to issue an order with these findings, arguing that they do not have jurisdiction because immigration is a federal issue. This interpretation of the law has dire consequences for these children seeking relief to stay in this country. If these children do not present a STATE COURT order with the SIJS findings, the children may not receive Legal Permanent Residency through Special Immigrant Juvenile Status. Case law makes it clear that these STATE COURTS have jurisdiction to make SIJS findings and issue the predicate SIJS orders.

These bills are necessary to make it crystal clear in the California Code of Civil Procedure that California juvenile courts, California probate courts, California Family Courts, and California Adoption Courts have jurisdiction to make judicial determinations regarding the "custody and care of juveniles" within the meaning of the SIJS statute. The bill further states that these STATE COURTS MUST issue an order with the SIJS findings when they are requested to do so and the SIJS findings are supported.

Children should not be denied these predicate orders because some state court judges are asserting they do not have the authority to issue the SIJS findings. Whether a child can receive these necessary underlying orders to support their SIJS case should not depend on which STATE COURT judge the child appears before. The League of United Latin American Citizens strongly supports these measures. If you have any questions about this letter, or wish to talk further, please feel free to contact my staff Ulises A. Gonzalez, at [UGonzalez@LULAC.org](mailto:UGonzalez@LULAC.org) or (916) 551-1330.

Sincerely,

Brent Wilkes  
LULAC National Executive Director

