

NATIONAL IMMIGRANT JUSTICE CENTER

A HEARTLAND ALLIANCE PROGRAM

Via Federal Express

March 29, 2017

U.S. Citizenship and Immigration Services
ATTN: FBAS
131 S. Dearborn – 3rd Floor
Chicago, IL 60603

RE: I-360 Petition for Amerasian, Widow(er), or Special Immigrant
Applicant: [REDACTED]

Dear Officer:

The National Immigrant Justice Center represents [REDACTED] z (“[REDACTED]”) in his application for Special Immigrant Juvenile Status (SIJS). *See* Form G-28, *Notice of Entry of Appearance as Attorney* and Form I-360, *Petition for Amerasian, Window(er), or Special Immigrant*.

The Immigration and Nationality Act (INA) § 101(a)(27)(J), as amended by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, states that the term “special immigrant” includes:

An immigrant who is present in the United States –

- (i) **who has been** declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or **placed under the custody of**, an agency or department of a State, or an **individual entity appointed by a State of juvenile court located in the United States, and whose reunification with one or both of the immigrant’s parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;**
- (ii) **for whom it has been determined in administrative or judicial proceedings that it would not be in the alien’s best interest to be returned to the alien’s or parent’s previous country of nationality or country of last habitual residence; and**
- (iii) in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status, except that –
 - 1. no juvenile court has jurisdiction to determine the custody status or placement of an alien in the custody of the Secretary of Health and Human Services unless the Secretary of Health and Human Services specifically consents to such jurisdiction; and
 - 2. no natural parent or prior adoptive parent of any alien provided special immigration status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

In addition to the above requirements, the Code of Federal Regulations also requires that a child be under twenty-one years of age and unmarried in order to be eligible for SIJS. 8 C.F.R. § 204.11.

is a 12-year-old unmarried minor from Honduras, who is physically present in the United States. *See* ORR Release Notification for . On September 27, 2016, the Circuit Court of Lake County, Illinois entered an Order Appointing Guardian for a Minor, granting 's aunt, , guardianship over her. *See* Order Appointing Guardian for a Minor. The aforementioned order states:

1. That "reunification with parents of minor is not viable due to abandonment."
2. That "it is in the best interest of the child to stay with in the United States."
3. "It is hereby ordered that is appointed plenary guardianship."

Since he has demonstrated that he meets the requirements for classification as a Special Immigrant Juvenile under INA § 101(a)(27)(J), respectfully requests that this petition be granted.

Enclosed please find the following documents in support of s petition for SIJS:

1. Form G-28, *Notice of Entry of Appearance as Attorney*
2. Form I-360, *Petition for Amerasian, Window(er), or Special Immigrant*
3. Copy of Order Appointing Guardian for a Minor from the Circuit Court of Lake County, Illinois, entered on September 27, 2016
4. ORR Release Notification
5. 's Honduran birth certificate, with certified English translation

We appreciate your efforts in processing and determining petition for status as a Special Immigrant Juvenile. If you have any questions or need further information regarding this matter, please do not hesitate to contact me.

Sincerely,

Hillary Richardson
Attorney for Petitioner
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