



SIJS | UAC

Volunteer Attorney Practice Update
October 2023

UPDATE!

Do you have questions about SIJS for youth over 18? [LawHelp MN just published a factsheet](#) on the new MN laws affecting SIJS.

HELPFUL LINKS

1. **Meet with Kim Boche:** Pro Bono UAC/SIJS Case Support ([30 Minutes](#)) or ([15 Minutes](#))
2. **[Pro bono portal](#)** (pw: probono). The portal houses tools and resources available to you, including:
 - a. **Immigration Deskbook** – written training with [a section on SIJS](#)
 - b. [Pro Bono Portal Page on Unaccompanied Minors](#) has links to trainings like an “Intro to SIJS”

TOOLS FOR WORKING WITH CLIENTS

1. Tool [explaining the SIJS process](#) to clients (available in English and Spanish)
2. Access “[A Toolkit for Navigating Difficult Conversations with Child Clients: Guidance & Examples.](#)”
3. Client is having **non-legal issues** (e.g., in need of therapy, housing assistance, food assistance)—please email Kim and our Social Work Intern at socialwork@advrights.org.

A CLEAR PATH FORWARD

Here is a guide to the essential steps you will be taking with your UAC* case.

*Eligibility for TVPRA asylum and SIJS will vary by client.

Removal Matter (Court/EOIR)	TVPRA Asylum (USCIS)	SIJS (USCIS)
Master Hearings File Pleadings	File I-589	Work with Predicate order attorney to obtain state court order with SIJS findings File I-360
After you file your asylum and/or SIJS application(s) with USCIS, file Motion for Administrative Closure AVOID Moving to Individual Hearing before you get responses from USCIS	Deal with Requests for Additional Evidence (RFEs) or Notices of Intent to Deny (NOIDs) Asylum Interview	Deal with Requests for Additional Evidence (RFEs) or Notices of Intent to Deny (NOIDs)
	Decision Issued – Approval, Referral to immigration court, Denial	Decision Issued – by statute decision in ~180 days Approval or Denial
<p>If you receive approvals for TVPRA Asylum or SIJS</p> <p>Email PD request to OPLA to get position on your Motion. Minneapolis-St. Paul Contact is: ICE-OPLA-SPM-PD@ice.dhs.gov</p> <p>File Motion to Recalendar and Terminate – Child will be able to adjust to Permanent Residence later outside of court - OR -</p> <p>If you are left without any approvals or relief – Move forward to <u>Individual Hearing</u>** and present any remaining relief de novo to the immigration judge (IJ)</p>		

**If you are proceeding to an Individual Hearing, please set up a meeting with your AHR mentor.

SIJS FAQ

1. What's going on with the SIJS Visa Bulletin?

The [End SIJS Backlog Coalition](#) published this [Practice Alert](#) which discusses the April 2023 Visa Bulletin, important changes that retrogression has on SIJS recipients. As a brief update, all counties will be backlogged and the northern triangle category has been merged into the "All Areas" group on April 1. There is active advocacy to exempt SIJS applicants from the numerical limitations of the visa bulletin. To find out more and to join the Coalition, please visit sijsbacklog.com or email rdavidson@nipnlq.org.

2. What is the new SIJS Bill in MN?

Governor Walz signed a [SIJS bill that allows youth in Minnesota to secure state court orders](#) necessary for an SIJS case through the age of 21. Obtaining a state predicate order previously was only available through age 18.

3. What are the New SIJS Regulations or rules?

[Here is the final rule on SIJS](#) which went into effect April 7, 2022. Many updates clarified vague eligibility requirements for SIJS applicants. If you are worried about how they may affect your client, set up a meeting with Kim.

WORK PERMIT FAQ

1. Our [EAD Training Video](#) is for C8 (asylum) work permits.

2. **SIJS (C14) EADs**

- a. [Here is the new USCIS policy on deferred action/EADs](#) for SIJS youth in the backlog. It goes into effect on May 6, 2022. This policy would allow SIJS approved children to apply for work permits and allows USCIS to grant deferred action to SIJS approved youth when their applications were adjudicated. More coming as details are released.

- b. Here is our [dropbox for C14 work permits](#).

3. Work permit renewals are currently taking about 13.5 months to adjudicate in the Nebraska Service Center.