

DATE GOES HERE (Month, Day, Year)

U.S. Citizenship and Immigration Services

Attn: FBAS
131 South Dearborn-3rd Floor
Chicago, IL 60603-5517

*Via FedEx/Certified Mail*

**RE : I-360 Petition for Special Immigrant Juvenile Status**

 **FIRSTNAME LASTNAME (A NUMBER)**

Dear Sir or Madam:

The Advocates for Human Rights represents **FIRSTNAME LASTNAME** (hereinafter, “**FIRST NAME**”) in **PRONOUN’s** petition for Special Immigrant Juvenile Status.

Enclosed in support of **FIRSTNAME**’S petition, please find:

1. Form G-28, Notice of Appearance as Attorney or Accredited Representative;
2. Form I-360, Petition for Special Immigrant Juvenile Status;
3. **STATE COURT** District Court Order awarding legal and physical custody to **CAREGIVER’S NAME, FAMILIAL RELATIONSHIP**, and containing findings that establish **FIRSTNAME**’S eligibility for Special Immigrant Juvenile Status; and,
4. Copy of **FIRSTNAME**’S Birth Certificate, with certified translation, included as evidence of **PRONOUN’s** age.

As indicated in the attached state court predicate order, **FIRSTNAME** qualifies as a Special Immigrant Juvenile under INA § 101(a)(27)(J) and 8 C.F.R. §204.11, as amended by The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. Under these provisions, a Special Immigrant Juvenile is defined as a child who is:

1. present in the United States;
2. 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 or entity appointed by a State or juvenile court located in the United States;
3. whose reunification with one or both of PRONOUNS parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law; and
4. for whom it has been determined in administrative or judicial proceedings that it would not be in PRONOUNS best interest to be returned to PRONOUNS or PRONOUNS parents’ previous country of nationality or country of last habitual residence.

The **STATE** state court order finds that **FIRSTNAME** has resided since **DATE** with **CAREGIVER’S LASTNAME** at a Minnesota address, indicating that **PRONOUNS** is present in the United States. The court found that it had jurisdiction over the petition for custody of **FIRSTNAME**. The Court concluded that **FIRSTNAME** was dependent on the Court within the meaning of the statute, because **PRONOUNS** required the Court to make a determination regarding **PRONOUNS** custody.

Moreover, the Court awarded **CAREGIVER’S LASTNAME** custody over **FIRSTNAME**. After assessing the best interests factors laid out in Minn. Stat. § 257C.04, and based on all evidence in the record, the Court found that it was in **FIRSTNAME**’S best interests that **CAREGIVER’S LASTNAME** be awarded custody of **FIRSTNAME**.

The Court further found that **FIRSTNAME** was a minor child who, pursuant to Minnesota law, **[ADD HOW HAVE THEY BEEN ABANDONED, ABUSED, AND/OR NEGLECTED BY THEIR FAMILY]**. The Court laid out specific facts in support of these conclusions of law in paragraphs **[LIST PARAGRAPH NUMBERS]** of the attached, signed Order.

The court also found that it is not in **FIRSTNAME**’s best interests to be returned to **COUNTRY OF ORIGIN**, and states in support of this finding that **FIRSTNAME** does not have any adequate caretaker in **COUNTRY OF ORIGIN** to provide for **PRONOUNS** basic needs, whereas Petitioner is available to care for, guide and support **FIRSTNAME** here in the United States.

Though **FIRSTNAME** has recently turned 18, the custody order finds that **PRONOUNS** was a minor child under Minnesota law at the time the custody order was issued and the necessary findings in support of **PRONOUNS** eligibility for Special Immigrant Juvenile Status were made. A child is defined by the Minnesota State Law as “an individual who has not attained 18 years of age.” Minn Stat. § 518D.102(c). Because **FIRSTNAME** was under the age of 18 at the time of the signing of the valid judicial order, **PRONOUNS** is eligible for Special Immigrant Juvenile Status pursuant to the TVPRA, as well as controlling USCIS policy.[[1]](#footnote-1)

Given the above, **FIRSTNAME** is a child seeking relief from abuse, abandonment, or neglect whom Congress intended to protect in enacting INA § 101(a)(27)(J), as amended by The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. As such, USCIS can determine that there is a reasonable basis for USCIS’ exercise of its consent function in this case.[[2]](#footnote-2)

Thank you for your consideration in this matter. Please note that no filing fee is included with this application, as no filing fee is required for Special Immigrant Juveniles. If you have any questions regarding this matter, please do not hesitate to contact me at **attorney** **phone number, email.**

Sincerely,

**ATTORNEY(S) NAME(S)**

**SIGNATURE BLOCK(S)**

Cc: **CLIENT FIRST NAME LAST NAME**

1. *See e.g.,* U.S. Citizenship and Immigration Services, *Policy Manual: Chapter 7, Special Immigrant Juveniles, Section C(6), Requirements for Perez-Olano Litigation Class Members,* available at <https://www.uscis.gov/policy-manual/volume-7-part-f-chapter-7>; *see also* see Volume 6, Immigrants, Part J, Special Immigrant Juveniles, Chapter 2, Eligibility Requirements, Part C, Age-out Protections. [↑](#footnote-ref-1)
2. *See e.g.,* U.S. Citizenship and Immigration Services, *Information for Juvenile Courts,* available at https://www.uscis.gov/sites/default/files/USCIS/Green%20Card/Green%20Card%20Through%20a%20Job/Information\_for\_Juvenile\_Courts\_-FINAL.pdf [↑](#footnote-ref-2)