

# IMMIGRATION IN CONNECTICUT

## Introduction

Recently, we published an Issue Brief on Immigration: Youth Justice and Unaccompanied Children. The focus was primarily on federal laws and processes. There was mention of Connecticut's recent legislation but missing from that brief was the significant amount of work being done on behalf of these children. The Center for Children's Advocacy (CCA) is a nonprofit law firm that provides legal representation and advocacy for the poorest, most at-risk children and youth in Connecticut. Through its Immigrant Children's Justice Project (ICJP), CCA works to increase access to safety and protection from deportation for undocumented children and youth. The ICJP also advocates for increased access to appropriate educational services for children and youth who are English Language Learners, and to improve the abilities of parents to advocate for their children's educational needs. CCA has been a significant source of support, highlighting their mission, "Fighting for the legal rights of Connecticut's most vulnerable children".

As mentioned in the previous brief, under federal law, those migrating to the United States, including children, have no right to government-appointed counsel. Many adults make the decision to journey north with children without any set plans or the understanding of the journey's dangers, or the legality of their actions. This leaves many children -- including toddlers -- having to "represent themselves" against charges brought by Department of Homeland Security. "After the dangerous journey is complete, DHS starts the immigration processing of an immigrant adult or child in federal custody by evaluating their eligibility for "voluntary return" to their home country (United States Government Accountability Office, 2018) If the child is ineligible or refuses, then DHS issues a notice to appear in court and informs the Department of Justice (DOJ) executive office to further review the child's immigration status."(Rakowicz)

Many immigrant children who have fled to the United States to escape persecution, abuse, poverty, and extreme violence, including death threats made the journey alone after being separated from or abandoned by their parents. Access to counsel is also important because the possibility of legal or factual error in Immigration Court proceedings is high. This can lead to life and death circumstances as there is growing documentation of cases of individuals, including minors, who were murdered in Central America soon after their deportation from the US.

## Immigration Law in Connecticut

The passage of Connecticut Public Act 18-92 in 2018 was significant in the advancement of protecting immigrant youth living in the state, as it allowed more vulnerable youth access to immigration relief through Special Immigrant Juvenile Status. Special Immigrant Juvenile Status (SIJS) is unique among immigration remedies because it involves a state court



process before filing with federal immigration authorities. SIJS allows an undocumented child or youth to be eligible for special findings in state court that can be used with U.S. Citizenship and Immigration Services (USCIS) to adjust their status to a lawful resident. Federal law allows for children and youth under the age of 21, who are unmarried, cannot be reunited with one or more parent because of abuse, neglect or abandonment, and who a court finds it is not in the best interest for the child or youth to return to his or her home country, to file for SIJS. Before Public Act 18-92 however, state laws only permitted petitions in state courts for a child under the age of 18.

That left an age gap that Connecticut has worked to close - 18, 19 and 20 year olds who were eligible for SIJS under the federal laws, could not get the state court SIJS findings because of their age. On May 9, 2018, the Connecticut Legislature passed HB 5185, An Act Concerning Guardianship for Individuals Seeking Special Immigrant Juvenile Status, which is now Public Act 18-92. For cases involving guardianship appointments or removal of a parent/guardian in probate courts, Public Act 18-92 now allows the probate courts to issue SIJS findings for applicants up to age 21. This important change now enables 18, 19, and 20-year-olds who are victims of abuse, neglect and abandonment to file a guardianship petition in state probate court and ask for the findings they need to make that SIJS application. This advancement for vulnerable immigrant youth opens up a path to legal status in the U.S., which was otherwise unattainable just a few months ago.

The Center for Children's Advocacy has been working diligently to support the passage of new laws that combat systemic issues affecting children and youth in Connecticut. Public Act 18-92 is an example of one of these laws that CCA helped pass. Even before Public Act 18-92, CCA was dedicated to the protection and advocacy of immigrant children demonstrated by its efforts of training attorneys on how to obtain SIJS findings for immigrant children and youth in state courts and connecting families with immigration attorneys to help them obtain their SIJS visas and green cards.

Between January and May of 2017, CCA trained over 100 attorneys to help address the growing needs of immigrant children in the state. CCA currently works with over 40 of those attorneys to help supplement the work CCA does to provide pro bono representation in state courts for the SIJS findings, so it may reach more children and youth. CCA supports the pro bono attorneys by providing them with technical assistance such as offering troubleshooting for complicated cases. They also provide limited translation and interpretation services through volunteers to help facilitate meetings between the attorneys and their clients. Among many other important roles CCA plays in the area of immigration and child protection, they provide referrals to community partners who offer services beyond the immigrant's immigration needs, so that families can have access to mental health and counseling services.



***This Issue Brief is a collaboration with the Center for Children's Advocacy and includes content contributed by Angelica Rakowicz, M.S.***

The Tow Youth Justice Institute is a university, state and private partnership established to lead the way in juvenile justice reform through collaborative planning, training, research and advocacy.

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