



10 Ways Counsel for Kids Advance Legal Rights for Children Involved in Immigration Matters

Non-citizen children often find themselves entangled within the child protection system for various reasons, including parental deportation or arriving as unaccompanied minors. Consequently, immigration status can significantly impact family integrity and determine where children and their parents can reside. Within this complex landscape, dependency courts play a crucial role in facilitating access to lawful immigration status for children in foster care, presenting a unique opportunity to safeguard their rights and well-being. Counsel for kids advance children's interests in collateral immigration legal proceedings. How do they do it?

COUNSEL FOR KIDS PROMOTE:

- ① **Identification of Youth in Need of Immigration Relief:** by spotting legal issues and promptly identifying clients who are eligible for Asylum,¹ Special Immigrant Juvenile Status,² U-Visa's,³ T-Visas,⁴ relief under the Violence Against Women Act,⁵ or other pathways to lawful immigration status.⁶
- ② **Specialized Advocacy:** by ensuring every child they represent also has trained, culturally-competent legal representation in immigration court that centers family unity and reunification as critical to the well-being of the child.
- ③ **Youth Engagement:** by engaging youth to facilitate their full participation in hearings and case planning, and encouraging judges to listen to youth and consider their perspective.
- ④ **Language Access:** by ensuring that clients with limited English proficiency have language access services to facilitate their meaningful participation in services and court hearings so they can understand and contribute to the decision-making that impacts their lives.
- ⑤ **Due Process:** by protecting the right to notice and opportunity to attend court for immigrant children.
- ⑥ **Investigation:** by gathering necessary information and obtaining specific court orders to support youth immigration relief.
- ⑦ **Individualized Services:** by advocating for trauma-informed, culturally-responsive programs and services to address the well-being of immigrant children, including family time and/or contact with siblings and parents who may be outside of the country.⁷

CONTRIBUTING AUTHORS

Priya Konings, Esq.

Senior Director, Field Management,
Kids in Need of Defense (KIND)

Jennifer Hojaiban, Esq.

Senior Policy Advisor,
Kids in Need of Defense (KIND)

CONTACT

Natalece Washington, JD, CWLS

Policy Counsel, National Association
of Counsel for Children
404-954-2427

Natalece.Washington
@NACCchildlaw.org

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- ⑧ **Accountability:** by ensuring state compliance with relevant international treaties⁸ and protocols.⁹
- ⑨ **Elimination of Labor Exploitation:** by identifying safe placements, raising and reporting concerns in unsafe placements, and helping older youth obtain employment authorization when appropriate.
- ⑩ **Successful Transition to Adulthood:** by helping children obtain lawful immigration status that can provide eligibility for work and benefits that may be necessary to achieve independence.

Endnotes

- 1 *Asylum*, U.S. Citizenship and Immigration Services (USCIS), <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum> (last visited April 8, 2024).
- 2 *Special Immigrant Juveniles*, U.S. Citizenship and Immigration Services (USCIS), <https://www.uscis.gov/working-in-US/eb4/SIJ> (last visited April 8, 2024).
- 3 *Victims of Criminal Activity: U Nonimmigrant Status*, U.S. Citizenship and Immigration Services (USCIS), <https://www.uscis.gov/humanitarian/victims-of-criminal-activity-u-nonimmigrant-status> (last visited April 8, 2024).
- 4 *Victims of Human Trafficking: T Nonimmigrant Status*, U.S. Citizenship and Immigration Services (USCIS), <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-t-nonimmigrant-status> (last visited April 8, 2024).
- 5 *Abused Spouses, Children, and Parents*, U.S. Citizenship and Immigration Services (USCIS), [https://www.uscis.gov/humanitarian/abused-spouses-children-and-parents#:~:text=With%20the%20passage%20of%20the,petition\)%20for%20immigrant%20classification%20without](https://www.uscis.gov/humanitarian/abused-spouses-children-and-parents#:~:text=With%20the%20passage%20of%20the,petition)%20for%20immigrant%20classification%20without) (last visited April 8, 2024).
- 6 *How the U.S. Legal Immigration System Works*, Migration Policy Institute, <https://www.migrationpolicy.org/content/explainer-how-us-legal-immigration-system-works> (last visited April 8, 2024).
- 7 *Nat'l Foster Care Youth & Alumni Pol'y Council, Supporting Immigrant Children and Youth in Foster Care* (Amended February 2023), https://nationalpolicycouncil.org/sites/default/files/Immigration%20Priority_National%20Foster%20Care%20Youth%20%20Alumni%20Policy%20Council_December%202022.pdf (last visited June 11, 2024).
- 8 (E.g. Hague Convention on the Civil Aspects of International Child Abduction, Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption).
- 9 (E.g. United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime) See also Ann M. Haralambie, Chapter 19, Interstate and International Issues, in *Child Protection Law and Practice* (Nat'l Ass'n of Counsel for Child. ed., 3rd ed. 2016).



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