

Representing Unaccompanied Children in California: Legal Updates, Practice Considerations & Strategies for Pursuing Relief

**San Francisco, Live Webcast and www.pli.edu,*
October 30, 2018**

Why You Should Attend

Unaccompanied immigrant children (UCs) from Central America, Mexico and many other countries continue to seek protection in the United States, and many live in California as they go through immigration removal (deportation) proceedings and defend against deportation. Once apprehended by immigration authorities, UCs are placed in removal proceedings without government appointed counsel. Many children are eligible for relief, but attacks from the Administration on these protections make cases more challenging and the need for pro bono counsel even greater. Without an attorney to represent them, children face deportation to dangerous situations in their home countries. This one-day training builds upon prior PLI courses regarding the representation of UCs in California and incorporates legal updates, practice considerations, and strategies for representing UCs. Attorneys who work with immigrant youth, or pro bono attorneys interested in working on these issues, can learn about the most recent updates to Special Immigrant Juvenile Status (SIJS), UC asylum claims, T visas, as well as strategies for pursuing Motions to Terminate and Suppress.

What You Will Learn

- Removal defense strategies like motions to terminate and motions to suppress
- Overview of Special Immigrant Juvenile Status (SIJS) and strategies to pursue SIJS in light of policy changes
- Preventing and responding to Requests for Evidence and Notices of Intent to Deny SIJS petitions
- Strategies for pursuing SIJS state court predicate orders in family and probate court in California
- Jurisdictional and strategic considerations for UC asylum claims
- T visa updates and strategies for children

Who Should Attend

Attorneys interested in assisting or representing immigrant youth, firm pro bono coordinators and partners, law clinic students and faculty, public

interest and nonprofit organization attorneys and staff, immigration advocates, and other providers working with immigrant youth.

AGENDA

Morning Session:

9:00

Opening Remarks

Katie Annand

9:10

Motions to Terminate and Suppress in Unaccompanied Children Cases

Many unaccompanied children have grounds to challenge their removal proceedings even beyond the traditional forms of relief. Especially in light of the uncertainty of the continued existence of otherwise well-established forms of relief, attorneys need to use all the tools in their arsenal to defend their clients' rights. This panel will discuss how to challenge service of the NTA, motions to suppress and terminate, including under the recent Supreme Court decision in *Pereira*, making the government meet its burden to prove alienage, as well as objecting to DHS evidence presented in the context of relief.

Lucero Chavez, Helen Lawrence

10:10

Overview of Special Immigrant Juvenile Status

Special Immigrant Juvenile Status ("SIJS") is a humanitarian form of immigration relief for children who have been abandoned, abused or neglected by a parent. Unlike many other forms of immigration relief, SIJS requires the involvement of the state court system. This panel will provide a general introduction to the stages of a SIJS case, including the role of state juvenile courts, applying for SIJS with U.S. Citizenship & Immigration Services, and seeking adjustment of status (a green card) based on SIJS. We will discuss new strategies for success given the increasing challenges in SIJS cases.

Milli E. Atkinson, Marion ("Mickey") Donovan, Rachel Prandini

11:10 Networking Break

11:25

Responding to SIJS Requests for Evidence (RFEs) and Notices of Intent to Deny (NOIDs)

This panel will discuss recent trends of increased requests for evidence (RFEs) and notices of intent to deny (NOIDs) in Special Immigrant Juvenile Status cases, as well as new USCIS policy that will likely result in more denials without issuance of an RFE or NOID. We will cover common fact patterns that have resulted in RFEs or NOIDs and discuss strategies for success – both in avoiding these requests to begin with, and in responding to RFEs, NOIDs, or denials if and when encountered.

Lucero Chavez, Kristen M. Jackson, Rachel Prandini

12:25 Lunch

Afternoon Session:

1:15

Strategies for Pursuing SIJS Predicate Orders in California

Pursuing special findings in state court is a prerequisite to a child obtaining protection through Special Immigrant Juvenile Status. Various considerations and challenges, apart from the child's immigration case, may arise that require knowledge of state law practice and procedure. This panel will identify strategies for successfully obtaining SIJ findings for your client in California probate and family court proceedings.

Erikson Albrecht, Katie Annand, Jenny Horne

2:15

Introduction to Children's Asylum: Jurisdiction, Procedural, and Substantive Law

Important differences exist in the procedures and standards for children's asylum cases versus adults. The panel will discuss who is considered an unaccompanied child, how to challenge an adverse jurisdictional finding, and an overview of the affirmative versus defensive asylum process for UCs. This panel will also cover substantive asylum law for children's cases, including ways to establish the elements of asylum, responses to potential bars, updates in the law, and challenges to types of claims (such as child abuse and fear-of-gang). Using illustrative hypotheticals, the panel will discuss strategies for crafting legal theories in children's asylum cases and provide practice pointers.

Cecilia Candia, Christine Lin, Ana Moraga Archila

3:45 Networking Break

4:00

T Visa Updates and Emerging Trends Affecting Youth Survivors of Trafficking

This advanced T visa training will address regulatory and policy updates, emerging trends affecting youth survivors of trafficking, how to address Requests for Evidence (RFEs) and denials, and strategizing around the filing of T visas in addition to or in lieu of other forms of immigration relief for minors.

Cindy C. Liou, Lynette Parker, Sara Van Hofwegen

5:00 Adjourn

Faculty:

Co-Chairs:

Katie Annand

Managing Attorney
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