

April 22, 2022

The Honorable Lucille Roybal-Allard
Chairwoman
House Committee on Appropriations
Subcommittee on Homeland Security
Washington, D.C. 20525

The Honorable Chuck Fleischmann
Ranking Member
House Committee on Appropriations
Subcommittee on Homeland Security
Washington, D.C. 20525

Dear Chairwoman Roybal-Allard and Ranking Member Fleischmann:

As you begin to craft the Fiscal Year (FY) 2023 Department of Homeland Security (“DHS”) funding bill, we respectfully request that you prohibit the use of federal funds for the apprehension, detention, or deportation of children seeking Special Immigrant Juvenile Status (“SIJS”).

Congress created SIJS humanitarian relief to provide permanent protection to immigrant children determined by state juvenile courts to have survived parental abuse, abandonment, or neglect and whose best interests would not be served by return to their countries of origin. SIJS is a pathway to lawful permanent residence and eventually U.S. citizenship. Many children who apply for SIJS are in foster care, and in the custody of state and local child welfare agencies. Altogether, these young people represent one of the most vulnerable groups seeking protection within the U.S. immigration system.

Unfortunately, the protection intended by the SIJS statute is currently thwarted for many of the children who desperately need it. General delays in scheduling state court proceedings and in USCIS processing of SIJS petitions creates challenges to accessing permanency and stability for these vulnerable young survivors. Due to administrative delays, immigrant child survivors continue to face the risk of detention and removal while their SIJS petitions are pending and even after initial approval by USCIS. To expend federal funds to detain and deport children seeking protection undermines congressional intent in creating the SIJS program and punishes vulnerable children for processing delays that are beyond their control.

President Biden has made the provision of protection against deportation for abused, abandoned, and neglected children a priority. In announcing a new deferred action program for children seeking SIJS impacted by visa unavailability, President Biden elevated the importance of protecting children seeking SIJS from deportation while they await a visa number. ^[1]Unfortunately, this program only applies to children with approved SIJS from countries impacted by visa unavailability and does not account for the state court process, adjudication delays and ensuing precarity of all children throughout the SIJS process. Additionally, it’s possible that the policy may leave out some children with approved SIJS petitions as the grant of deferred action is discretionary. All children pursuing SIJS should be protected from detention and deportation for the entirety of the process until they become lawful permanent residents.

For these reasons, we urge you to restrict the use of federal funding for the apprehension, detention, and deportation of children with a pending or approved SIJS petition, or with a pending state court action seeking findings consistent with the statute.

We request that you include the following language in the Committee's FY 2023 bill text:

None of the funds, resources or fees made available to the Secretary of Homeland Security may be used for the apprehension, detention, or removal of any noncitizen with a pending or approved petition under section 101(a)(27)(J) of the Immigration and Nationality Act or with a pending state court action seeking findings consistent with section 101(a)(27)(J), with the exception of funds for the care of children who are in the custody of ORR because they have no viable sponsor.

Thank you for your strong support and leadership to ensure the protection of abused, abandoned, and neglected children and for considering our request.

Sincerely,


Jimmy Gomez
Member of Congress


James P. McGovern
Member of Congress


Earl Blumenauer
Member of Congress


J. Luis Correa
Member of Congress

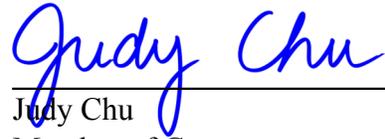

Sylvia R. Garcia
Member of Congress


Raúl M. Grijalva
Member of Congress

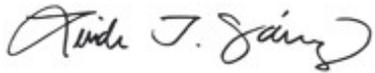

Alexandria Ocasio-Cortez
Member of Congress



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Pramila Jayapal
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Member of Congress



Eleanor Holmes Norton
Member of Congress

¹⁴ Press Release, U.S. Citizenship and Immigration Services, USCIS Announces Policies to Better Protect Immigrant Children Who Have Been Abused, Neglected, or Abandoned (Mar. 7, 2022), available at <https://www.uscis.gov/newsroom/news-releases/uscis-announces-policies-to-better-protect-immigrant-children-who-have-been-abused-neglected-or>.