

Center for *Children's* Advocacy

TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF SECTIONS 8 and 9 of RAISED BILL NO. 155, AN ACT CONCERNING PROBATE COURTS

This testimony is submitted on behalf of the Center for Children's Advocacy, a private, non-profit legal organization affiliated with the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy.

The Center for Children's Advocacy **supports** sections 8 and 9 of Raised Bill No. 155, which codifies federal language pertaining to Special Immigrant Juvenile Status (SIJS) into Connecticut General Statutes. The purpose of the federal language is to protect children who have been abandoned, abused or neglected by allowing them to regularize their immigration status. As a result, children who are eligible for this protection do not face the human tragedy of being returned to the terrible child abuse or neglect conditions which caused them to flee their country. SIJS is a two part process: if a state court pursuant to a guardianship or a child abuse/ neglect proceeding makes some specific findings as to the immigrant child, he or she can then take the state court order and apply for the SIJS protection with federal immigration authorities. The state court order itself does not grant an immigration benefit, it is merely a prerequisite which allows the child to apply for an immigration benefit.

Children like Juan¹ who was abandoned at birth by his parents, neglected and abused by his many caregivers and threatened by certain death in his country of Honduras, he made the brave decision to travel north with the equivalent of two dollars in his pocket, walking for weeks and jumping onto moving trains in order to find refuge and safety in the United States. Youth like fifteen year old Lisa², who was brought to the United States from Guatemala at the age of three by her parents. Abandoned and abused by her parents, Lisa went from one neglectful caregiver to another until she found a loving family who took care of all her needs including legalizing her immigration status to ensure she would not be returned to a country she does not know and where there is no one that can care for her.

Sections 8 and 9 of this bill will achieve **three** important outcomes for children in our State:

I. These statutory changes will provide children with increased access to protection under existing federal law.

As part of our representation of children in the probate court system, we have encountered many instances where the court has needed guidance and briefing on its

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¹ Names substituted to protect our client's identity.

² Id.

ability to issue SIJS findings pursuant to federal law³. By expressly authorizing the court to make these findings, children will have greater access to an existing legal protection under federal law.

II. Sections 8 and 9 will ensure that the exact language necessary to allow children to apply for this immigration benefit is utilized across all probate courts.

Similarly, we have represented children, sometimes previously represented by counsel, where findings have been made but the language used in the decree does not contain the necessary language to allow the child to apply for protection in the immigration realm. In these cases, it has been necessary to re-open the decree and request that the court re-write their order so that the language complies with federal requirements. However, this process has not been successful for children who are no longer under the court's jurisdiction either due to their age or because the timeframe to re-open the decree has lapsed.

III. Children eligible for SIJS protection and for whom the requisite findings were not made will have the ability to file a motion with the court to request the necessary findings.

By expressly creating a statutory right to file a motion after a decree has been issued, we can ensure that children have full access to their federal right. Children should not be penalized for the lack of knowledge by either by their legal representative or the court regarding these very specific federal language requirements. This provision should apply retroactively to any child who can still benefit from the SIJS federal protection.

We hope that you are compelled to pass sections 8 and 9 of Raised Bill No. 155. By passing this bill you will protect other children in our State who like Juan and Lisa face a likely return to the same conditions they fled from.

Respectfully submitted,
Edwin Colon, Esq.
Staff Attorney

³ See 8 U.S.C. § 1101(a)(27)(J)