



CONNECTICUT CHAPTER

RE: S.B. No. 427 (RAISED) AN ACT CONCERNING CHILDREN IN THE JUVENILE JUSTICE SYSTEM AND GUARDIANSHIP APPOINTMENT

Recommended Committee Action: **SUPPORT THE BILL**

This testimony is submitted on behalf of the Connecticut Chapter of the American Immigration Lawyers Association (AILA). AILA is a nonpartisan, not-for-profit organization that provides continuing legal education, information, professional services, and expertise through its 36 chapters and over 50 national committees. It is the national association of immigration lawyers established to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members.

The Connecticut Chapter of AILA supports S.B. No. 427, which seeks to extend probate jurisdiction to an unmarried person under the age of twenty-one who is dependent on a competent caregiver and consents to the appointment or continuation of a guardian after attaining the age of eighteen, solely in connection with a petition to the United States Citizenship and Immigration Services for designation of the person as having special immigrant juvenile status under 8 USC § 1101(a)(27)(J). This bill would bring Connecticut law into conformance with the federal Trafficking Victims and Violence Preventions Act [TVPRA] of 2008.

Special Immigrant Juvenile Status [SIJ] is only granted to individuals who meet certain requirements. The individual must be declared dependent upon a juvenile court or committed to the custody agencies of a state. The court must also find that reunification with one or both parents is not viable due to abuse, neglect, abandonment, or similar basis found under state law and that the return to their country of nationality or last habitual residence is not in the juvenile's best interest.¹ As the law in Connecticut stands today, it prevents vulnerable and desperate juveniles who cross the United States border in order to reunite with a parent or other family member from seeking the protections that would otherwise be available to them under the federal laws concerning SIJ Status.

The need to protect juveniles faced with this truly horrible decision of risking their lives to seek safety in the United States has been recognized by federal and state governments alike.² In Connecticut, Public

¹ INA § 101(a)(27)(J).

² See New York Family Court Act § 661(a) (2008).

Act 14-104 was enacted, effective October 1, 2014, in order to implement section 235(d) of the William Wilberforce Trafficking Victims Protection Reauthorization Act. It was a step in the right direction. However, it fails to implement the full intent of the TVPRA, which is why S.B. No. 427 is necessary.

S.B. No. 427 will eliminate the age gap between eligibility for special findings under Connecticut law and eligibility for special immigrant juvenile status protection under federal law.³ Connecticut law only recognizes as a “minor” someone who is under the age of eighteen.⁴ Pursuant to Public Act 14-104(8)-(9), Connecticut Probate Courts are only given explicit statutory authority to make the Special Findings required for designation of a person as having special immigrant juvenile status under 8 USC 1101(a)(27)(J), until the person reaches the age of eighteen.⁵ However, under federal law, a minor for purposes of special immigrant juvenile status protection eligibility is someone who has not yet attained the age of twenty-one.⁶

By depriving young people of access to the protections provided under federal law, we leave them to face deportation from the United States back to homes which many have fled due to abandonment, abuse, or neglect. Our government deports young people to places like San Pedro Sula, Honduras, which has been ranked the most dangerous city in the world outside of a war zone for multiple years in a row.⁷ These children, who have suffered so much already, who have risked their lives every minute of every day on their journeys to the United States, are targeted upon their return to their home countries, and many are being killed.⁸ By precluding access to federal protections, Connecticut is playing a part in sending vulnerable young people back to their foreseeable deaths.

The legal and humanitarian imperatives of S.B. No. 427 are clear. The economic benefits to the State also weigh in favor of its adoption. Undocumented immigrants currently contribute to the economy in Connecticut. They work hard and pay taxes. However, through the SIJ legalization process and an eventual path to citizenship, these young people will have a greater earning capacity, will pay more in

³ Designation as a Special Immigrant Juvenile is a two-step process. The first is attaining special findings from a state court pursuant to a guardianship, adoption, or child abuse or neglect proceeding. Once the special findings are in hand, the juvenile can then apply for SIJS protection from the federal government, submitting the state court special findings in support of the application as required by federal law.

⁴ See Connecticut General Statutes § 45a-604.

⁵ Public Act 14-104 gives Connecticut state courts the authority to make these special findings in conjunction with a petition for: a) removal of a parent or other guardian of the minor; b) termination of parental rights, or c) adoption. However, the Court has jurisdiction over each of these petitions only until the minor reaches the age of eighteen.

⁶ INA § 101(a)(27)(J).

⁷ See Sarah Kinoshian, “San Pedro Sula, Honduras: Nearly a War Zone,” Security Assistance Monitor (February 13, 2015), [available at: http://securityassistance.org/blog/san-pedro-sula-honduras-nearly-war-zone](http://securityassistance.org/blog/san-pedro-sula-honduras-nearly-war-zone).

⁸ “Deported children face deadly new dangers on return to Honduras,” UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (Jan. 29, 2015) [available at: http://www.unhcr.org/54ca32d89.html](http://www.unhcr.org/54ca32d89.html). [Reports that from January to July of 2014, 93 minors died violently, and that by mid-September of 2014, that number was already 200. Indicates that there is a dramatic rise in the number of young people suffering unnatural deaths. Notes that several reasons for fleeing Honduras include the killing of relatives and being witness to a gang crime.]; see also “‘You Don’t Have rights Here’ US Border Screening and Returns of Central Americans to Risk of Serious Harm,” HUMAN RIGHTS WATCH (Oct. 16, 2014) [available at: https://www.hrw.org/report/2014/10/16/you-dont-have-rights-here/us-border-screening-and-returns-central-americans-risk](https://www.hrw.org/report/2014/10/16/you-dont-have-rights-here/us-border-screening-and-returns-central-americans-risk).

taxes, and will have greater output, thereby boosting the Connecticut economy.⁹ Since October 2013, the U.S. Office of Refugee Resettlement has resettled more than 800 unaccompanied children in Connecticut.¹⁰ By denying individuals between the ages of eighteen and twenty-one, who would otherwise meet the requirements of Special Immigrant Juvenile Status, a pathway to legalization we deprive our state of the valuable financial contribution that these young people could make to our economy.

The Connecticut Chapter of AILA urges you to pass S.B. No. 427. This bill corrects that deficiencies in CT's laws that prevent young immigrants from seeking the protections of federal law. This bill would protect vulnerable youth and enable them to strengthen our economy.

CHAIR

Kara A. Hart
Greater Hartford Legal Aid
999 Asylum Ave. - 3rd Floor
Hartford, Connecticut 06105
Tel: 860-541-5000
khart@ghla.org
Fax: 860-541-5050

VICE CHAIR

Aleksandr Y. Troyb
The Troyb Law Firm, LLC
1266 E. Main St. - Suite 700R
Stamford, Connecticut 06902
Tel: 203-658-5412
alex@troyblaw.com
Fax: 203-764-2654

SECRETARY

Michelle A. Ross
Roberts Immigration Law Group,
LLC
142 Old Ridgefield Road
Wilton, Connecticut 06987
Tel: 203-529-3760
mross@robertsimmigration.com
Fax: 203-529-3752

TREASURER

Meghann E. LaFountain
Howard McMillan & Tycz, LLC
386 Main Street
Middletown, Connecticut 06457
Tel: 860-346-1377
mlafountain@howardmcmillan.com
m
Fax: 860-346-5121

⁹ Robert Lynch and Patrick Oakford, "National and State-by-State Economic Benefits of Immigration Reform," CENTER FOR AMERICAN PROGRESS (May 17, 2013) available at: <https://www.americanprogress.org/issues/immigration/report/2013/05/17/63295/national-and-state-by-state-economic-benefits-of-immigration-reform/>.

¹⁰ See "Unaccompanied Children Released to Sponsors by State," Office of Refugee Resettlement, [available at: http://www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors](http://www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors).