

October 18, 2022

The Honorable Chris Murphy, Chair  
Subcommittee on Homeland Security  
Senate Appropriations Committee

The Honorable Shelley Moore Capito, Ranking Member  
Senate Appropriations Committee  
Subcommittee on Homeland Security

The Honorable Lucille Roybal-Allard, Chair  
House Appropriations Committee  
Subcommittee on Homeland Security

The Honorable Chuck Fleischmann, Ranking Member  
House Appropriations Committee  
Subcommittee on Homeland Security

Dear Chair Murphy, Ranking Member Moore Capito, Chair Roybal-Allard, and Ranking Member Fleischmann:

The undersigned child welfare organizations, children's legal service providers, and other groups and professionals committed to children's well-being appreciate your support for safeguarding the welfare of mistreated and exploited youth. As you negotiate a Fiscal Year (FY) 2023 omnibus appropriations package, we urge you to include bill text that would advance this shared aim by exempting Special Immigrant Juvenile Status (SIJS) visas from annual employment-based visa limits as proposed in the House and Senate Homeland Security appropriations bills.

SIJS is a humanitarian immigration status available to children who have been determined by a state court to have survived parental abuse, neglect, and/or abandonment. Once granted SIJS, children may seek legal permanent residence in the United States when a "visa number" becomes available to them. Congress created this pathway in 1990 to protect children by providing swift, permanent relief to them as they overcome abuse and trauma and strive to rebuild their lives in the United States. But despite being humanitarian in nature, SIJS visas are counted against the employment-based fourth visa preference (EB4) category, subjecting them to annual employment-based visa limits and associated per-country caps. In recent years, the limitations on this category have meant some children must wait years before being able to seek legal permanent residence after USCIS determines they qualify for SIJS—as their hardships are only deepening. This has left thousands of children in legal limbo: already found by state courts and the federal government to have suffered abuse, abandonment, or neglect, yet shut out of the opportunity to pursue enduring protection from that harm.

The result is a systemic barrier that deprives abused and traumatized children of the stability essential for their recovery. Some of these children have faced a heightened risk of hunger, homelessness, and even trafficking and other exploitation at the hands of bad actors preying on their vulnerabilities. Many SIJS foster youth who are ineligible to seek lawful permanent residence have been unable to access higher education, join the military, or take other measures to achieve permanency as they transition into adulthood. Additionally, the backlog of SIJS cases that lack available visa numbers exacerbates the operational burdens and inefficiencies straining the U.S. immigration system.

The exemption of SIJS visas from annual visa limits would streamline that system while bringing lasting security and protection to abused, abandoned, and neglected children—a vital advancement for their well-being. Thank you for your consideration of this needed measure.

Sincerely,

Advocates for Children of New Jersey

AILA NJ

Alliance for Children's Rights

Americans for Immigrant Justice, Domestic Violence and Trafficking (Lucha) Program

Arizona Legal Women and Youth Services (ALWAYS)

ASISTA Immigration Assistance

Barton Child Law & Policy Center, Emory Law School

Bet Tzedek Legal Services

Californians Together

Catholic Charities of Archdiocese of Dubuque

Catholic Charities East Bay

Center for Court Innovation

Center for Gender & Refugee Studies

Center for Safety & Change

Center for the Study of Social Policy

Central American Refugee Center (CARECEN-NY)

Central West Justice Center

Centro Legal de la Raza

Children Now

Children's Action Alliance  
Children's Advocacy Institute  
Children's Aid  
Children's Defense Fund-NY  
Children's Law Center of Massachusetts  
Children's Law Center of California  
Children's Law Center of Minnesota  
Citizens' Committee for Children of New York  
Civitas ChildLaw Clinic, Loyola University of Chicago School of Law  
Coalition for Homeless Youth  
Colorado Office of the Child's Representative  
Committee for Public Counsel Services (MA)  
Community Resource Center  
Cornell Asylum & Convention Against Torture Appellate Clinic  
Cornell Gender Justice Clinic  
Department of Social Services  
Disability Rights California  
Doctors for Camp Closure  
Dreamer Fund  
East Bay Refugee and Immigrant Forum  
Erie County Bar Association Volunteer Lawyers Project, Inc.  
First Focus on Children  
Florence Immigrant & Refugee Rights Project  
Foster Advocates - Minnesota  
Freedom Network USA  
Futures Without Violence  
Galveston-Houston Immigrant Representation Project  
Good Shepherd Services  
Hawaii Children's Action Network Speaks!  
Helping Services for Youth & Families  
Housing Works Inc.

Houston Immigration Legal Services Collaborative  
Immigrant Justice Corps  
Immigrant Legal Advocacy Project  
Immigrant Legal Defense  
Immigrant Legal Resource Center  
JCCA  
John Burton Advocates for Youth  
Justice At Last  
Juvenile Law Center  
Kids in Need of Defense (KIND)  
KidsVoice  
Lawyers For Children  
Legal Aid at Work  
Legal Aid Bureau of Buffalo, Inc.  
Legal Aid Justice Center  
Legal Aid Society of Suffolk County, Inc.  
Legal Aid Society of the District of Columbia  
Legal Counsel for Youth and Children (LCYC)  
Legal Services for Children  
LSNJ  
Lutheran Social Services of NY  
Massachusetts Law Reform Institute  
Mobilization for Justice, Inc.  
Morris County Organization for Hispanic Affairs  
Muslim Law Students Association, Cornell Law School  
National Association of Counsel for Children  
National Association of Social Workers  
National Center for Youth Law  
National Immigrant Women's Advocacy Project (NIWAP)  
National Immigration Project (NIPNLG)  
New Jersey Consortium for Immigrant Children

New Mexico Immigrant Law Center  
New York City Bar Association, Council on Children and Committee on Immigration and  
Nationality Law  
NY Justice For Our Neighbors  
NYC Administration for Children's Services  
Onward Hope  
Our Children Oregon  
Prevent Child Abuse NY  
Project Lifeline  
Public Law Center  
RAICES  
Refugee & Immigrant Transitions  
Rights In Systems Enforced (RISE) Clinic, Loyola Law School  
Rising Ground, Inc.  
Rockland County Immigration Coalition  
Rocky Mountain Immigrant Advocacy Network  
Safe Horizon  
Safe Passage Project  
San Fernando Valley Refugee Children Center, Inc.  
San Joaquin College of Law - New American Legal Clinic  
Santa Barbara County Immigrant Legal Defense Center  
Santa Cruz Welcoming Network  
Schuyler Center for Analysis and Advocacy  
Southwestern Law School Immigration Clinic  
Support Center for Child Advocates  
Terra Firma National  
The Children's Law Center (NY)  
The Children's Partnership  
The Children's Advocacy Institute  
The Door  
The Legal Aid Society (New York)

The Legal Project

The Sunita Jain Anti-Trafficking Initiative

The Youth Opportunity Clinic, Vanderbilt Law School

U.S. Committee for Refugees and Immigrants (USCRI)

UC Davis Immigration Law Clinic

UC Hastings Refugee & Human Rights Clinic

UC Immigrant Legal Services Center

University of California Immigrant Legal Services Center

University of Miami Children & Youth Law Clinic

University of San Francisco Immigration & Deportation Defense Clinic

UNLV Immigration Clinic

W. Haywood Burns Institute

Wilbanks Child Endangerment and Sexual Exploitation Clinic

Young Center for Immigrant Children's Rights

Youth Law Center

Youth Represent

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*Individuals' sign-ons are in one's personal capacity, with their association included for identification purposes only.*