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

Abigail Trillin
Clinical Supervising Attorney, Youth and Education Law Project Mills Legal Clinic
Stanford Law School

Angela Cornell
Clinical Professor of Law, Cornell Labor Law Clinic

Angela Jorgenson
Social Caseworker Supervisor
Denver Department of Human Services

Angelique Torres
Staff Attorney, Center for Children's Advocacy

Beth Lyon
Clinical Professor of Law, Associate Dean for Experiential Education and Clinical Program Director, Cornell Law School

Hon. Bryanne Hamill (ret FCJ)
Racial Justice Project Distinguished Fellow, New York Law School

Elissa Steglich
Clinical Professor and Co-Director, Immigration Clinic,
University of Texas School of Law
Ida Mendoza
Child Welfare Social Worker, Fresno County Department of Social Services

Jacklyn Kelley-Widmer
Associate Clinical Professor of Law, Cornell Law School

Jacob Hamburger
Postdoctoral Associate, Cornell Law School

Jane M. Spinak
Edward Ross Aranow Clinical Professor Emerita of Law, Columbia Law School

Jayashri Srikantiah
Professor of Law & Director, Immigrants' Rights Clinic,
Associate Dean of Clinical Education, Stanford Law School

Jennifer M. Chacón
Professor of Law, Stanford Law School

Joanne Gottesman
Clinical Professor of Law and Director, Immigrant Justice Clinic

John Warshawsky
Attorney at Law

Karla McKanders
Clinical Professor of Law, Vanderbilt Immigration Practice Clinic

Larry Fluharty
Ombudsperson, California Office of the Foster Care Ombudsperson

Laura Cohen
Distinguished Clinical Professor of Law, Director, Criminal and Youth Justice Clinic

Lenni B. Benson
Distinguished Professor of Human Rights and Immigration Law, New York Law School

Madalene Day
Proprietor and Senior Consultant, Maddy Day LLC & Associates

Matthew Mohammad Roohollahi
JBM Legal, LLC

Megan Finno-Velasquez
Associate Professor, Director of Center on Immigration and Child Welfare,
New Mexico State University

Nicole Perez
CPS Social Worker, Fresno County

Ofelia M Garcia
Social Worker, Fresno County Department of Social Services
Paul Bennett
Charles E. Ares Professor of Law Director, Child and Family Law Clinic, University of Arizona

Rachel Davidson
Senior Associate, Center on Privacy and Technology, Georgetown Law Center

Randi Mandelbaum
Distinguished Clinical Professor of Law and Director, Child Advocacy Clinic, Rutgers Law School

Reina Fostyk
Legal Fellow, Cornell Law Farmworker Legal Assistance Clinic

Richard A. Boswell
Professor of Law & Director Immigrant Rights Clinic, UC Hastings College of the Law

Samuel Garman
Child welfare consultant, Garman Training and Consulting LLC

Shani King
Professor and Director, Center for Law, Policy and Justice, Rutgers Law School

Shannon Gleeson
Professor, Cornell University

Stacey Platt
Clinical Professor of Law, Loyola University Chicago School of Law

Susan Schmidt, DSW, MSSW, LGSW
Associate Professor of Social Work & Field Director, Luther College

Terence G Cady
Attorney at Law

Theo Liebmann
Clinical Professor of Law and Director, Hofstra Youth Advocacy Clinic

Thomas Hoopes
Head of Religions Department, George School

Valeria Gomez
Assistant Professor of Law, University of Baltimore School of Law

Yer Vang
Legal Director, Immigration Legal Services, Catholic Charities of Dubuque

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