



FLORENCE
IMMIGRANT
& REFUGEE
RIGHTS PROJECT

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November 24, 2014

Title of Information Collection: Affidavit of Relationship (AOR) for Minors from Honduras, El Salvador and Guatemala.

OMB Control Number: "None"

Form Number: DS-7699

Dear Sir or Madam:

The Florence Project is a 501(c)(3) nonprofit legal service organization providing free legal services to men, women, and unaccompanied children detained by the Immigration and Customs Enforcement (ICE) division of the Department of Homeland Security in Arizona. Although the government assists indigent criminal defendants and civil litigants through public defenders and legal aid attorneys, it does not provide attorneys for people in immigration removal proceedings. The Florence Project strives to address this inequity both locally and nationally through direct service, partnerships with the community, and advocacy and outreach efforts.

In particular, the Florence Project's Children's Initiative provides full legal representation to unaccompanied minors residing in the Phoenix and Tucson areas. The organization's staff attorneys and pro bono volunteers have assisted countless Central American children feeling violence and abuse in obtaining legal status through asylum, Special Immigrant Juvenile Status (SIJS), crime victims visas (U status), and trafficking victims visas (T status).

Without speaking to the wisdom of creating an in-country processing facility or its impact on the rights of those fleeing from persecution, the Florence Project offers the following recommendation:

Please include minors granted Special Immigrant Juvenile Status in the definition of "anchor parents" AND deem the babies and toddlers of SIJS grantees *prima facie* refugees.

The Notice states that the Department of State, in conjunction with Department of Homeland Security/U.S. Citizenship and Immigration Service (DHS/USCIS), is:

assisting with the preparation of a White House directive to initiate an in-country program to provide a means for certain persons in the United States ***who are lawfully present*** ("anchor parents") to claim a relationship with child(ren) in Honduras, El Salvador, and Guatemala and to assist the U.S. Department of State in determining whether those child(ren) are qualified to apply for access to USRAP for family reunification purposes. [Emphasis added].

It is our understanding that the Department will include deferred action (DA) grantees such as those with Deferred Action for Childhood Arrivals (DACA)



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and those with Temporary Protected Status (TPS), as “anchor parents” and thus eligible to utilize the program. We write to suggest that minors with approved “Special Immigrant Juvenile Status” (SIJS) be considered “lawfully present” for purposes of participation in this program.

Many of the children represented by the Florence Project are granted SIJS based on parental abuse, abandonment or neglect. These minors with approved SIJS status are often teenagers between ages 14 and 17, who themselves are often parents to infants or toddlers. Some of these infants and toddlers left behind are themselves the result of sexual abuse or molestation suffered by the SIJS grantee.

Because SIJS is a form of relief with no provision for derivative offspring, many of our abused, abandoned, and neglected minor clients have no way to lawfully bring their infant or toddler children to the United States. In many instances, the children of our SIJS clients are living in precarious conditions with the abusive relatives of the SIJS grantees.

We ask that the babies and toddlers of our SIJS clients, who themselves are children, be included in the new processing program and be considered to have a *prima facie* claim for refugee status based on the SIJS parent’s status. The SIJS parent in the United States should also be excused from the affidavit of support since the SIJS parent is often a minor, living in foster care, and may not even be old enough to work lawfully or earn a sufficient income while attending middle or high school.

We appreciate your time and attention to these issues in recognition of the humanitarian crisis in Guatemala, Honduras and El Salvador and of the importance of reuniting vulnerable children with their families in the United States. Should you need additional information, please contact Thalassa Kingsnorth at tkingsnorth@firrp.org.

Respectfully submitted,

Florence Immigrant & Refugee Rights Project