



**CAPITAL AREA  
Immigrants' Rights  
COALITION**

*Fighting for equal justice for all immigrants  
at risk of detention and deportation*

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## **CAIR COALITION PRACTICE ADVISORY: NEW BEST PRACTICES FOR PROPOSED SIJS ORDERS FOR STATE COURT**

This Practice Advisory provides new best practices on how to best draft proposed predicate orders when proceeding in state court during a Special Immigrant Juvenile Status (“SIJS”) case. In short, when drafting proposed SIJS orders, it is now recommended that draft orders cite, and speak to, the specific state laws.

In late 2016, USCIS finalized two important developments in the adjudication of SIJS cases:

- 1) issuing its official USCIS Policy Manual guidance on SIJS cases (available online [here](#) and [here](#)); and
- 2) centralizing its adjudication of I-360 Special Immigrant Juvenile Status petitions.

In the ensuing months, practitioners across the country have received Requests for Evidence (RFEs) in pending I-360 SIJS petition cases. An RFE is an official pause in the processing of an I-360 and a statement from USCIS that additional evidence is required prior to an approval being issued.

Overall, these RFEs demonstrate that USCIS is carefully applying the new USCIS Policy Manual guidance in adjudicating SIJS petitions. Pursuant to the Policy Manual, USCIS is paying particular attention to the role of state law in SIJS factual findings and verification of parentage.

To avoid RFEs, it is recommended that the factual findings included in draft orders presented to a state court for execution and then, later, submittal to USCIS, be written in the following manner:

THE COURT FINDS that [CHILD NAME] is legally placed under the custody of an individual appointed by the Circuit Court for Prince George’s County, Maryland, under Md. Code Ann. Fam. Law Sec. 1-201 and Estates & Trusts Sec. 13-702. To wit, this Court has placed him in the guardianship of [GUARDIAN NAME].

A more fulsome example is contained in the SIJS samples contained in the CAIR Coalition samples library and available from pro bono mentors. We recommend some proactive steps that pro bono attorneys can take to prevent future issues with USCIS adjudication.

- *If no filing has yet been made with the state court:* we recommend using our new sample proposed order of SIJS factual findings. Please contact your mentor for a sample proposed SIJS findings order tailored to the correct jurisdiction.
- *If the filing has already been made with the state court and a hearing is pending:* we recommend bringing several copies of an updated proposed SIJS findings order based on

our new sample proposed order of SIJS factual findings to the hearing and asking that the judge sign the new version of the proposed order.

We hope this advisory assists you in representing your pro bono immigration clients. Should you need any further assistance or have any questions please contact us.