

# A Pathway to Permanency: Collaborating for the Futures of Children who are Immigrants in the Child Welfare System

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This article examines a unique statewide collaboration between Rutgers Law School and the New Jersey Department of Children and Families to provide immigration legal services to children in foster care. As the Project enters its third year, the authors examine the reasons why the collaboration was launched. They then describe

the structure and staffing of the Project, including the development of case referral and management systems. The data collected over two years and included in the article provides a snapshot of services offered to children who are immigrants and in the foster care system. Finally, the authors reflect on the lessons learned and share insights with others interested in launching similar projects.

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*Eduardo<sup>1</sup> is 16. He came to the United States from Honduras when he was 14 years old because he identifies as gay, which was not accepted in his rural community. He was maltreated by his own family members, bullied, and physically assaulted by members of the community. The police and local law enforcement were not helpful. He fled to the United States to live with a sympathetic uncle in New Jersey. However, the uncle maltreated Eduardo and he ended up in New Jersey's foster care system. He also was in great need of mental health services that his uncle could not provide. Because Eduardo was able to receive legal assistance for his immigration needs, he was able to apply and be approved for asylum. Eduardo now has a work permit and will receive a "green card" (lawful permanent resident status) in approximately one year. He now is safe, participates in psychotherapy, can work, go to college, and fulfill his dreams.*

## **The Need for and History of the Collaboration**

In May 2016, New Jersey's Department of Children and Families (DCF), Division of Child Protection and Permanency (CP&P), initiated a partnership with Rutgers Law School ("Rutgers") to provide immigration legal assistance to children in its care. As a child welfare agency, DCF's mission is to "ensure the safety, permanency, and well-being of children and support families" (State of New Jersey, 2018, para. 1). When it comes to children who are immigrants, like Eduardo and many others, the mission—and the workforce responsible for carrying out that mission—faces additional and unique challenges that impact permanency options for children in the system.

DCF recognized that immigration status is inextricably tied with ensuring permanency and stability for a child. Without permanent status in the United States, a child who is an immigrant will have an exceedingly difficult time achieving independence. They cannot work

<sup>1</sup> In the vignettes throughout this article, the names of the children and some of the salient facts of their cases have been changed to safeguard their privacy and preserve confidentiality.

legally; receive financial aid for college; qualify for most state and federal benefits, such as health insurance; and, most importantly, they live in constant fear of removal. Therefore, lawful immigration status is a building block of safety and stability for children like Eduardo in the child welfare system. Moreover, almost every child who is an immigrant and in the custody of CP&P is eligible for one or more legal avenues to lawful permanent resident status, and, ultimately, citizenship.

For children who are immigrants and involved in CP&P,<sup>2</sup> the path to gaining legal status and ensuring stability begins with providing quality immigration legal assistance. Prior to the statewide collaboration between DCF and Rutgers, individual caseworkers in 46 local CP&P offices across the state did not have a coordinated approach or process to seek out legal services for children on their caseloads who are immigrants. Some areas of the state had few identified providers, and immigration issues often went unaddressed. In other geographic areas, CP&P had access to services through various providers. However, with few controls and standardized guidelines in place for the cost or quality of representation for children, some were better served than others.

Additionally, cases were often hindered by a lack of communication between the agency and the attorneys representing the children. Case costs could range anywhere from \$1,000 to \$5,000 or more based upon the provider and the complexity of the case. Sometimes cases suffered when attorneys left a law firm without briefing their colleagues on the case, and in other instances cases languished in the hands of federal agencies awaiting client action. Because no formalized guidelines existed, the agency lacked the ability to track the number of children referred for immigration legal assistance, the overall need across the state, the status of cases and a way to identify trends.

<sup>2</sup> See Appendix for a discussion of population data.

In short, there was a need for structure, guidance and control. The Rutgers partnership, as described within, remedied those agency challenges.

## **Description of the Collaboration**

The partnership between DCF and Rutgers (the “Project”) is based out of Rutgers Law School, which has two campuses, one in the southern part of the state (Camden) and one in the north (Newark). Specifically, it is housed under the umbrella of two clinics, the Immigrant Justice Clinic in Camden and the Child Advocacy Clinic in Newark.

Children in the custody of CP&P who are non-citizens, like Eduardo, are eligible for Rutgers’ services. The children referred by CP&P have entered the custody of the child welfare agency for any of the multitude of reasons other children in the system enter custody: usually related to abuse, neglect or abandonment by a caregiver. Their immigration status is identified through typical intake procedures: when collecting birth certificates or requesting social security numbers or when speaking with the family members.

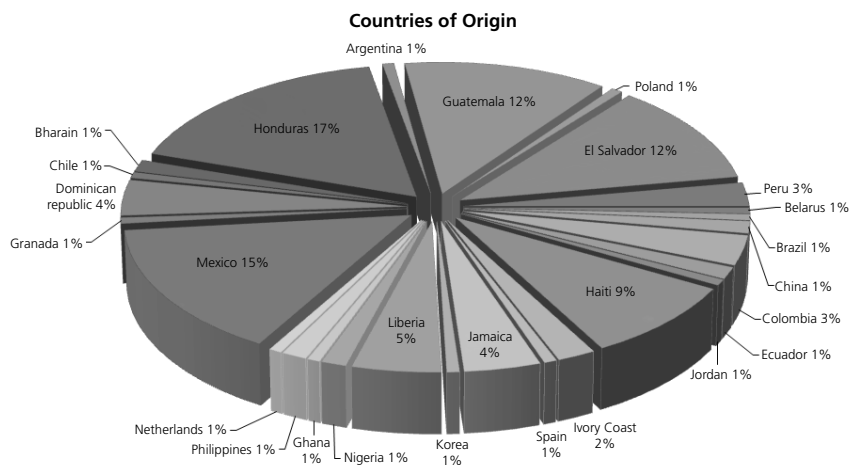
Unsure of how many children needed legal representation, the Project began as a small pilot program, but quickly grew with the increased demand. In May 2016, it was anticipated that 40 cases would be managed over the course of one year, and that these cases would be handled by two attorneys, each working half time on the Project and half time on separate, grant-funded work. Yet, by November 2016, an additional attorney devoted exclusively to the Project was hired, and in July 2017, a full-time paralegal also joined the Project team. Currently, the Project is staffed by three attorneys and one paralegal, with supervision provided by the clinics’ directors. All staff are devoted to the Project full time with the exception of one of the attorneys who oversees another project for part of her time. The commitment of the agency to respond to the quickly increasing volume of

cases by investing in staff to meet the growing need was central to the Project's overall success.

The process of the agency referral and Rutgers' acceptance of cases is centralized. Cases can be referred by CP&P only; typically, the CP&P caseworker assigned to the case refers the child on a form that was collaboratively developed between Rutgers and DCF. Currently, all referrals are routed to the paralegal who receives the case and quickly gathers some preliminary facts to assess the needs of the child and the urgency of the situation.

From May 1, 2016, to April 30, 2018, 259 cases were referred to Rutgers. Not all of these cases required legal representation. For example, in a few instances it was determined that there were no pressing legal needs, the child already had retained legal representation, or it was not feasible to assist the child because the child moved out of state or for some other reason. However, the vast majority of referrals required legal assistance and for the past year Rutgers has maintained a caseload of approximately 160 open cases at any one time. The Project currently focuses on children, ages 0–21, who are in the custody of the agency (foster care) or who have turned eighteen years of age, but are still receiving independent living services from the agency. Any child who is in foster care and is a non-citizen is eligible for services. However, referrals may be triaged such that some children are seen by attorneys more quickly. Some examples of matters that might require immediate attention are children who are at risk of aging out of eligibility for relief from deportation, or children who have an upcoming hearing date in Immigration Court.

As the chart below illustrates, the children represented by the Project team are from all over the world. Reflecting national numbers, over half are from Mexico (15%) and the Northern Triangle countries of El Salvador (11%), Guatemala (12%), and Honduras (17%). Interestingly, there also are a significant number of children from Haiti (9%), Liberia (5%), the Dominican Republic (4%), and Jamaica (4%).



Given the large number of children from Spanish speaking countries, it has been particularly helpful that all of the Rutgers attorneys and the paralegal are bilingual in Spanish and English; one of the attorneys also is fluent in French. However, when there is a need for a language other than Spanish or French, including many of the indigenous languages spoken by children from Guatemala, the Rutgers attorneys and paralegals have reached out to the Rutgers community through a Project called “Lives in Translation.” This program, on the Rutgers-Newark campus, harnesses the rich diversity of the Rutgers community and asks Rutgers students who speak a language other than English to volunteer their time as interpreters. The Lives in Translation Project also provides training in interpretation skills. When necessary, the attorneys and paralegal are able to utilize a language line or hire an interpreter.

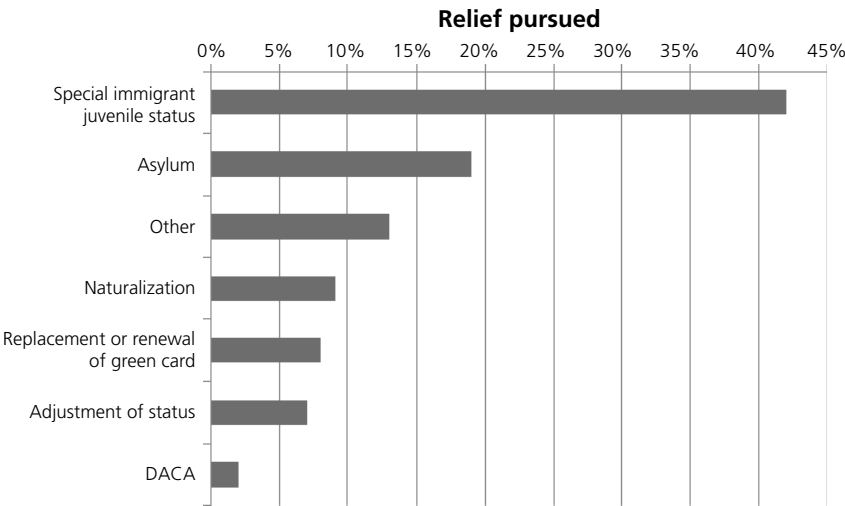
Rutgers assists a referred child on any immigration issue and follows the case through to completion even if the child ages out of foster care or leaves CP&P custody before the end of the immigration matter. Thus, the legal representation has ranged from simpler tasks, such as green card renewals and naturalization petitions, to representing undocumented children in removal proceedings in immigration court and helping them apply for immigration relief. At any given time,

roughly 30% of the children are respondents in removal proceedings in immigration court, although there are additional children who are undocumented. Cases in immigration court demand the most time and attention and require the Project team to pursue various forms of immigration relief with the objective that at least one will provide a pathway for the child to achieve lawful permanent resident status.

The most common forms of relief have been asylum and Special Immigrant Juvenile Status (SIJS). Asylum is a protection granted to children who are already in the United States or at the border who meet the definition of a “refugee,” defined as someone who is afraid to return to his or her country of origin due to past persecution or a well-founded fear of being persecuted in the future “on account of race, religion, nationality, political opinion, or membership in a particular social group” (Refugee Act of 1980). SIJS is a form of immigration relief available only to children. It requires that the child be in the United States and that a state family or juvenile court make the following findings: that the child is under 21 years of age; that he or she is unmarried; that reunification with one or both of the child’s parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law; and that it would not be in the child’s best interest to return to the child’s country of origin (8 U.S.C. § 1101(a)(27)(J)). The child also must be found to be dependent upon a state family or juvenile court, in other words involvement of the state court must be necessary either to protect the child and/or to make a custodial decision about the child. In addition, the state court must be willing to enter all of these findings into an order, which immigration attorneys call a “predicate order,” because it is necessary to obtain this order from a state court before a child can make an application to the United States Citizenship and Immigration Services (USCIS) for SIJS.

Significantly, it is often necessary and in the interest of the children to seek more than one form of relief, if possible, because almost all forms of relief are discretionary, and therefore, not guaranteed. Figure 1 highlights the types of relief pursued for the Project’s clients thus far.

**Figure 1. Types of Relief Pursued by Rutgers Law School–  
New Jersey DCF Legal Services Project Clients**



A typical case involves one or more in depth meetings between the child and one of the immigration attorneys to establish the attorney/client relationship and to gather facts and determine the legal needs of the child. Many cases then require the acquisition of immigration and identity documents; conversations with the child welfare caseworker and the attorneys in the dependency action; the preparation of court pleadings and/or immigration applications; follow-up meetings with the child; and the representation of the child in immigration court and at interviews with USCIS. The cooperation of the child welfare agency staff in transporting the child to necessary meetings and assisting in obtaining necessary documents is another vital component to the success of the Project and individual outcomes for children.

Many children have complicated immigration and family histories that need to be untangled before any action can be taken on their cases. In several instances, clients appear to have lawful immigration status, but on further investigation it is determined that the child’s status was acquired through fraud on the part of an adult in the child’s life. These cases are rife with ethical complexities.



Compounding these issues is the fact that many of the children's immigration cases are taking years to resolve as immigration courts are backlogged (U.S. Government Accountability Office, 2017). Additionally, many family court judges are reluctant to issue predicate orders (a mandatory precondition for a SIJS application) for a variety of reasons and are instead requiring additional briefing or testimonial evidence. On the immigration side, the USCIS has been instituting numerous barriers, making it much more difficult for children to obtain their lawful permanent resident status through SIJS or asylum. Due to quota limitations, there are significant delays in green card application processing for children who are eligible for SIJS status from Mexico and the Northern Triangle countries of El Salvador, Guatemala, and Honduras (See Practice Advisory on Updated Procedures of Status Adjustment Filings for Certain SIJS Clients, 2016). Additionally, all SIJS applications are now centralized and USCIS is issuing many more Requests for Evidence (RFEs) before it will approve an application (e.g., New Best Practices for Proposed SIJS Orders for State Court, 2017). In this context, it is increasingly difficult to navigate the immigration system without an immigration attorney experienced in the forms of relief that are unique to or more common for children.

In the first two years of the Project, the team succeeded in obtaining U.S. Citizenship for five children, lawful permanent resident status for another five children, asylum for one child, and filed over 121 applications for lawful status. Additionally, 21 applications for SIJS were approved, 15 employment authorizations were granted, and two children received Deferred Action for Childhood Arrivals (DACA). Each number represents a child whose future after foster care has become much more stable as a result of the new status.

## **Lessons Learned**

### ***Educating Front-Line Staff about the Project is Critical***

The first challenge faced was how to share information about the new partnership within DCF. Fortunately, the year prior, DCF had created

an immigration legal specialist position dedicated to assisting agency staff with intersecting child welfare and immigration issues. The legal specialist, along with the staff attorneys from Rutgers, spread the word office by office in the context of a full immigration presentation. That presentation introduced staff to issues that clients who are immigrants face, the types of immigration relief available, the partnership between DCF and Rutgers, and the referral process. It gave front-line staff face-to-face contact with the attorneys with whom they could work and the ability to ask questions about the process. Additionally, the presentation and introduction to the Project was provided to agency executive staff during quarterly leadership meetings as well as to stakeholders such as Children in Court (dependency) judges, attorneys representing CP&P, law guardians (attorneys) for the children, and parent attorneys at statewide events. Those opportunities generated interest, referrals and questions.

### *Ongoing Assessment of the Need for Services is Key*

The second challenge was assessing the need for immigration legal services. As discussed above, in May of 2016, the Rutgers partnership provided for one full-time staff attorney position to handle all cases referred by CP&P local offices. That full-time position was split between two part-time attorneys, one dedicated to the northern and one to the southern regions of the state, for a total caseload of approximately forty cases. Reviewing the number of referrals, the number of cases worked on, and the type of relief applied for, the agency was able to quickly determine it had initially underestimated the need for immigration legal assistance. By September, roughly four months after the initiation of the Project, Rutgers had received approximately 76 cases. Through tracking, the agency was able to justify addendums to the memorandum of agreement to meet the need of the population it serves by expanding the Project and prioritizing services based on specific circumstances.

## **Mechanisms for Confidential Information Sharing**

A third issue confronting the Project was the sharing of information between agency staff, the courts, and Rutgers' attorneys due to the confidential nature of child welfare investigations and proceedings. For example, in some instances local office staff were anxious about how much case information could be shared with the child's immigration attorney. Some judges were concerned with issuing SIJS predicate orders in the context of child welfare cases and began transferring them to other judges in regular custody dockets, resulting in re-litigation of the abuse or neglect issues or precluding the child from obtaining a SIJS predicate order altogether. Outreach and communication between the various stakeholders surrounding the legal exceptions to confidentiality for communication with counsel and service providers for the child and the importance of the Project for the stability and permanency of the child were key to gaining the trust and understanding of staff and stakeholders. It was also important to rely on key relationships and lines of communication that already existed between agency leaders, supervising law professors for the Project, court administrative managers, and judges to collaborate and find solutions to these complications.

## ***Lessons Learned about Project Design***

In reflecting on the past two years and the development of the Project, many significant and concrete takeaways can be highlighted. Perhaps the most important ones are centered around (1) the need to develop "systems," (2) the importance of collaboration and communication, and (3) the need to have expertise in both immigration and family law.

### ***Developing Protocols and "Systems"***

Because the number of children needing assistance ballooned so quickly, Project record-keeping and tracking abilities lagged. The need for data "systems" to track and monitor cases was critical. Not only was

it essential for the team to keep track of court dates, filing deadlines, and pending applications, but the need to be able to track demographic information and outcomes also was an important part of the overall Project. Over time, the Project developed several tracking programs, using Excel and a calendaring program. These software programs provide data reporting, application tracking, and reminders of upcoming court dates, meetings with USCIS, and when certain authorizations (such as employment authorizations) need to be renewed. Through these programs, Rutgers is able to aggregate data and inform DCF of important demographic information, such as the home countries of the children, the ages and genders of the children, how many children are in removal proceedings, and which of the forty-six local offices are referring cases. As explained below, reporting in the aggregate permits data sharing, but preserves the confidential attorney/client relationship.

Having a single referral form and a single place where the referral form was sent also became an important factor in the success of the Project. The referral form has been revised several times over the last two years to capture varying amounts of data. However, the need for a simple form and for the intake process to be centralized is critical. Proceeding in this manner ensures that there is no confusion as to how a case is initiated, that data is promptly entered into the tracking systems, and that the cases are dispersed equitably among the three attorneys and across the two offices.

### *Understanding the Importance of Communication and Collaboration*

The importance of having solid collaborative relationships, with good communication, cannot be overstated. This principle is evident in small and large ways when assessing both the overall success of the Project as well as individual outcomes for the children and families. From a large-scale perspective, the Project would not be entering its third successful year without a strong collaborative relationship between the leadership at DCF and the clinic directors at Rutgers. Because this began as a

pilot project, without full information as to how many children would need assistance and without any systems in place, it was imperative that the leaders be able to discuss their independent, and shared, need for resources, information, and assistance. For example, when the caseload increased, Rutgers and DCF expanded the staff. As policy issues arose, such as who would sign immigration forms for young children or the schedule for the payment of application fees, there was always the ability to discuss and develop solutions. Likewise, when DCF needed assistance to train staff and wanted to begin to collect demographic data, the Rutgers team participated in training workshops around the state and developed systems to share information confidentially.

Although 90 miles separates the two Rutgers clinics, collaboration and communication also are important components of the working relationship among the Rutgers staff. The team meets regularly to discuss difficult cases, share expertise and resources, and develop protocols for addressing repeat issues on cases. In fact, more recently, the Rutgers team has begun to memorialize these resources and protocols into an internal manual, replete with internal protocols, sample pleadings and briefs, and templates of letters and issue briefs.

Finally, the Rutgers team collaborates with all of the child welfare stakeholders assigned to a child's foster care case. In New Jersey, children are considered a party to the child protection (dependency) proceeding, and by statute (N.J.S.A. 9:6-8.23) are provided with an attorney, called a Law Guardian, through the Office of the Law Guardian, a unit of the New Jersey Office of the Public Defender. The state agency, CP&P, is also represented by attorneys from the New Jersey Office of the Attorney General. By working with the child's CP&P caseworker, the Law Guardian, and at times, the attorney representing CP&P, the Rutgers immigration attorneys are able to learn important information about the child, find and collect important immigration and identity documents, and obtain the necessary predicate orders so that the eligible children can apply for SIJS.

Representing children in the foster care system who are immigrants carries numerous challenges. The children, the majority of whom have

suffered multiple forms of trauma and who have had multiple home placements in their short lives, have so many needs, both legal and non-legal. The imperative to help the children on issues beyond immigration is often present. For example, instances of abuse and/or neglect that occurred in the home country may come to light for the first time in the course of representing the child in the immigration matter. With the client's permission, the Rutgers' attorneys are able to share their concerns with the CP&P caseworker and ask that therapeutic interventions be authorized. At times, the DCF and Rutgers team were aided greatly by International Social Services (ISS), under contract with DCF, in collecting documents, especially birth certificates.

### *Immigration and Family Law Expertise is Necessary*

While not easily replicated, the fact that the Rutgers team has a mix of family and immigration law expertise has proven to be invaluable and has greatly reduced the collective learning curve on the majority of legal matters the children face. Many of the children are involved with both family court, due to the ongoing dependency action, as well as immigration court, due to a removal (deportation) proceeding. In addition, many of the children are eligible for SIJS, which implicates both family court and USCIS. Given the intersection between family and immigration law and policy, the fact that the Rutgers team collectively has experience and a solid understanding of each of these areas has helped to achieve much success on the individual cases.

### *Be Cautious of Ethical Issues from the Outset*

Representing children in legal matters often goes hand in hand with challenging ethical issues. Representing those children in the context of an immigration legal services contract presented its own unique ethical issues. Some of those issues included: (1) the scope of confidential information sharing with the child welfare agency (2) questions about who was authorized to sign immigration forms and (3) joint representation

of parents and children in cases where the child was still living with a parent and was not in custody of the agency.

### *Information Sharing*

Just as DCF had concerns about what information it was permitted to share with Rutgers, Rutgers also had concerns about what information could be shared with DCF, given that Rutgers represents the children rather than the agency. Though funded by DCF, Rutgers' ethical obligations pursuant to the Rules of Professional Conduct for attorneys are to the child-clients. Therefore, Rutgers has attorney-client relationships with the children independent of DCF.

While recognizing this collaboration provides an opportunity to gather important data about immigrant children in New Jersey's foster care system, Rutgers is also sensitive to the privacy issues at stake, especially during this period of increased enforcement. Therefore, the Project has carefully considered what specific information could be shared with DCF on referred cases and what information needed to be shared only in the aggregate. For example, the Project periodically provides reports on the number of applications for SIJS, asylum, U-Visas, naturalization, and other forms of immigration relief. It also provides the agency with biographic data, such as the age-ranges and countries of origin of the children served, but does not connect that biographic data with any particular case outcome.

### *Who Signs?*

The ever-present question of "who is the client" can be further complicated when one is representing very young children. Like with all child clients, or those who lack full capacity, the Model Rules of Professional Responsibility direct attorneys to maintain, to the greatest extent possible a "normal" client-lawyer relationship ("Rule 1.14, Client with diminished capacity", 2018). However, how does one marry ethical responsibilities under the Rules of Professional Conduct for attorneys

with the rules for immigration practice set forth in the Code of Federal Regulations? A regulation governing the Department of Homeland Security, 8 C.F.R. 103.2(a)(2), provides the following:

An applicant or petitioner must sign his or her benefit request. However, a parent or legal guardian may sign for a person who is less than 14 years old. A legal guardian may sign for a mentally incompetent person. By signing the benefit request, the applicant or petitioner, or parent or guardian certifies under penalty of perjury that the benefit request, and all evidence submitted with it, either at the time of filing or thereafter, is true and correct.

For purposes of this section, a legal guardian is defined as “an individual currently vested, by appointment from a court or other public authority with jurisdiction to act, with legal custody of the child or with the legal authority to act on behalf of the child or of the incapacitated adult as the authorized representative of the court or other public authority” (U.S. Citizenship and Immigration Services, 2016, p. 4). “USCIS requires documentary evidence that establishes the legal guardian’s authority to sign a request on behalf of the child or mentally incompetent person” (U.S. Citizenship and Immigration Services, 2016, p. 4).

Therefore, for clients in the custody of CP&P, Rutgers developed the practice of having child clients sign the forms on their own if attorneys felt they had the capacity to understand the forms. This has included some children under the age of 14, depending on their maturity. However, for children under 14 who did not appear to have the capacity to understand the forms, pursuant to the USCIS Policy Manual, a “legal guardian” needed to sign the forms instead. The question was, who exactly was the “legal guardian” for these purposes? Is it DCF or did there need to be a *guardian ad litem* appointed? The plain language of the regulation does not seem to require a *guardian ad litem* because it indicates that the person could be a person authorized to act as a representative of a “public authority” with “legal custody” of the child (U.S. Citizenship and Immigration Services, 2016, p. 4; Department of Homeland Security Rule, 2016). Moreover, given the pressing



deadlines with applications taking years to adjudicate and children facing removal proceedings, it was determined that CP&P Local Office Managers could be designated to sign forms for children under 14, as the designated representative of DCF.

### *Joint Representation*

Immigration practice, with so many paths to legal status depending on family relationships, often involves questions of conflicts of interest and joint representation. In particular, if placement with a parent and remaining in the United States are both in a child's best interest, then representation of the parent in her own immigration matter may be a moral if not a professional imperative. What about circumstances in which the child's strongest or fastest path to immigration relief derives from their relationship with their parent? Navigating the potential for conflicts of interest in these circumstances can be a morass that requires frequent reassessment as facts develop. The reality of practice in New Jersey, as in many states, is that *pro bono* representation is often not available for the parent, so if Rutgers wants to help the parent, the only option may be to engage in joint representation with the child.

For example, a parent who was a victim of domestic violence and cooperated with law enforcement might have her own path to lawful immigration status, through a U-visa application. Her child could obtain lawful status through her mother's petition. The child might also be eligible for SIJS based on abuse by her father. The attorneys frequently have to consider which path is best for the child, whether or not to pursue multiple paths to legal status, and, if representing multiple family members, how these paths might impact the other. In another instance, a child client who is living with a relative caregiver and who was abused by one or both parents might be eligible for SIJS. Representing the relative caregiver in a custody matter protects the child, provides the relative caregiver with legal authority to continue caring for the child, and enables the child to receive the necessary predicate order to apply for SIJS. In these cases, joint representation might be

warranted if the potential for conflicts is low and the attorney believes her obligations under the rules of professional conduct can be met.<sup>3</sup>

## Conclusion

*Vera is a 16-year-old girl from Ghana. She was never sure when exactly she came to the United States; all she knew was that she came on an airplane with her parents. She has two sisters who are U.S. citizens. Her mother is in jail for abusing the children, and with no other relatives, all three of the children were placed into foster care. Vera's father died when she was 9 years of age. Vera is an extremely bright child whose goal is to become an engineer. With the assistance of the CP&P caseworker and ISS, a birth certificate was obtained from Ghana. A records request, filed by the Rutgers' attorney revealed that Vera had entered the United States when she was 7 years of age on a tourist visa, which had long expired. Working with Vera's Law Guardian, the Rutgers' attorney was able to obtain a predicate order through the dependency matter in family court. Shortly thereafter, the Rutgers attorney filed the requisite immigration applications with USCIS. Vera had her USCIS interview and was approved to adjust her status to lawful permanent resident. Now that Vera has her green card, she can obtain her driver's license and a social security number. Vera can also receive financial aid to go to college and pursue a degree in engineering. Most importantly, Vera can thrive as a young adult unafraid of removal from the United States.*

While the Project provides critical assistance to children like Vera who reside in New Jersey, what about children in other parts of the United States? There is no one-size-fits-all model to addressing the immigration needs of children in foster care. The Rutgers-DCF partnership illustrates one successful solution. It benefits from the statewide reach of both institutions; however, child welfare agencies large and small should consider developing new collaborative partnerships

<sup>3</sup> See Anderson (2017) for general issues regarding joint representation in SIJS matters.

with local immigration legal services providers, whether a nonprofit organization, a law school clinic, private practitioners, or some other agency providing legal services to immigrant children. Some local agencies may contract for legal services on a case by case basis, or for a minimum number per year. If funding is a serious barrier, child welfare agencies might want to explore partnering with a legal service provider to sponsor a post-graduate legal fellow. Even where there is no ready partner available, child welfare agency staff might increase their issue spotting capabilities by participating in immigration trainings, many of which are now offered via various distance learning modalities.<sup>4</sup>

In creating an immigration legal services collaboration for children in foster care, it is critical to think through the issues highlighted here such as determining the need, finding an appropriate partner, resolving ethical issues, and educating front-line staff who will be identifying children in need of assistance. However, the need to overcome these challenges and provide these services is not optional. When child welfare agencies take custody of children, they step into the shoes of the parents. And as the “parent,” the agency is obligated to ensure that the children in its care are provided with a foundation to transition into adulthood and become thriving and self-sufficient adults. This is the essence of the agency’s responsibility to provide safety, stability, and permanency to all children in its care.

The link between immigration assistance and permanency cannot be overemphasized. When a child like Vera is able to obtain lawful permanent resident status, an essential step toward stability and independence is achieved. Not only is she now secure in the knowledge that she can continue to live safely and securely in the United States, but a path toward college and employment is opened for her. The partnership between DCF and Rutgers Law School makes this necessary step toward permanency and stability a reality.

<sup>4</sup> E.g., The Center on Immigration and Child Welfare (CICW) at New Mexico State University at <http://cimmcw.org/>; Kids in Need of Defense (KIND) at <https://supportkind.org/>; or Immigrant Legal Resource Center (ILRC) at <https://www.ilrc.org/>.

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