

<b>Policy Title:</b>	Special Immigrant Juvenile Status – OAR		
<b>Policy Number:</b>	I-E.3.7 413-70-0570 thru 0574		<b>Effective Date:</b> 12-28-10

Approved By: *On file*

Date Approved: 12-21-10

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**Reference(s):**

- 8 CFR 204.11
- 8 USC 1101(a)(27)(J)
- RS 418.005
- Section 235 (d)(1) of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPPRA of 2008), Public Law 110-457

**Form(s) that apply:**

- None referenced.

**Rules:**

**413-070-0570**

**Purpose**

These rules (OAR 413-070-0570 to 413-070-0574) describe when the Department will consider and pursue *special immigrant juvenile status* for a *child* or *young adult* who was brought to the United States by a parent or legal guardian not for the purpose of *adoption*, does not have lawful permanent resident status, cannot be returned safely to a parent or placed in the country of origin of the *child* or *young adult*, and should remain in the United States pending finalization of a permanent plan other than return to parent.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

**413-070-0572**

**Definitions**

The following definitions apply to OAR 413-070-0570 to 413-070-0574:

- (1) "Adoption" means a legal or administrative process that establishes a permanent legal parent-child relationship between a child and an adult who is not already the child's legal parent and terminates the legal parent-child relationship between the adopted child and any former parent.
- (2) "Child" means a person under 18 years of age.
- (3) "Department" means the Department of Human Services, Child Welfare.
- (4) "Special immigrant juvenile status" means a legal process to obtain lawful permanent resident status for a child who does not have lawful permanent resident status because he or she entered the United States without inspection and who meets the other criteria required by federal law.
- (5) "Young adult" means a person 18 to 20 years of age who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-070-0574**

#### **Special Immigrant Juvenile Status**

- (1) The Department may apply for *special immigrant juvenile status* for a *child* or *young adult* in the legal and physical custody and guardianship of the Department if requirements of all of the following subsections are met:
  - (a) The juvenile court has determined that --
    - (A) The *child* or *young adult* is a dependent ward;
    - (B) The *child* or *young adult* cannot be returned to a parent due to abuse, neglect, abandonment, or similar circumstance; and
    - (C) It is not in the best interests of the *child* or *young adult* to return to the child's, young adult's, or parent's country of nationality or country of last habitual residence.
  - (b) The permanency plan for the *child* or *young adult* has been changed by the court from return to parent to another permanent plan.
  - (c) The *child* or *young adult* is not a United States citizen and does not have lawful permanent resident status.
  - (d) The *child* or *young adult* is unmarried and under 21 years of age.
- (2) Department staff must consult with and obtain approval from the Children, Adults, and

Families Diversity and International Affairs Program Manager or designee before applying for *special immigrant juvenile status* for a *child* or *young adult* in the legal and physical custody and guardianship of the Department.

- (3) To apply for *special immigrant juvenile status*, the Department must:
- (a) Before the 21st birthday of the *child* or *young adult*, obtain a court order from the juvenile court that makes the necessary findings to support an application for *special immigrant juvenile status*; and
  - (b) Complete and submit all necessary U.S. Citizenship and Immigration Service forms and applications for *special immigrant juvenile status* prior to the 21st birthday of the *child* or *young adult*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

### Procedure(s) that apply:

- None referenced.

### Contact(s):

- **Name:** Gloria Anderson and Oscar Herrera **Phone:** (503)945-5700 and (503)945-6739, respectively

### Policy History

- None (new rule set).

Prior Version