



By ASHLEY HOPKINSON
CUMMING, Ga.

abcnews.go.com

Visa Offers Path for Immigrant Youth in State Care

The Associated Press

Maria Boudet has no memory of Mexico or how she came to the United States. What she does remember is the year she turned 16 and found out she was living in the country illegally.

Two years ago, her mother was deported, her brother was detained and she was put in foster care. A powerful reminder of all she lost and gained is printed on the top right corner of her green card: "SL6." That's the code for special immigrant juvenile status (SIJS), the little-known program that allows Boudet and hundreds like her each year to live and work in the U.S. as a legal permanent resident.

"Everything happens for a reason," said Boudet, now 18. "You can take the negative stuff and turn it into positive stuff and there is a good lesson in that."

The program has quietly helped 10,000 young illegal immigrants become legal permanent residents since 1997. It has long been overshadowed by fiery debates over illegal immigration and strict crackdowns passed in Arizona, Utah, Georgia and Alabama. More recently, much attention has been focused on President Barack Obama's deferred action policy that allows some young illegal immigrants to avoid deportation by obtaining temporary work permits. Thousands flocked to apply for that program on the first day alone.

Advocates say that the new Obama administration policy won't directly change the juvenile visa program, and that it's too soon to tell exactly how the visa program may be affected by the policy change. But it may make young illegal immigrants more comfortable coming forward for help staying in the U.S. That could lead to more people applying for the visa. The policy change also gives them another option if they don't qualify for the special visa program because of key requirements to be under the age of 21, unmarried and a dependent of the state at the time of the application.

"In many cases SIJS would be preferable but if there is an opportunity to reunite a child with a parent this is obviously a better solution than aging out of the system," said Wendy Cervantes, vice president of immigration and child rights policy for First Focus about deferred action.

The visa program is permanent and has been for more than 20 years — and unlike Obama's policy change, it can't be overturned. Some fear Mitt Romney may reverse the Obama policy if he wins the November election.

It's estimated that millions of illegal immigrants live in the U.S. In the last decade, Immigration and Customs Enforcement has deported more than 32,000 illegal immigrants younger than 18, according to data provided by federal officials. Still fewer than 700 illegal immigrants receive the specific status each year.

"We see a lot more kids who come through here than are eligible," said Jessica Daman, staff attorney at the Latin American Association. The Atlanta-based advocacy group handles about 30 to 40 SIJS cases a year in Georgia.

SIJS will continue to be a needed option for young illegal immigrants for one key reason: It's permanent. The special visa can be revoked if the person commits a serious crime, though federal officials do not track how many people have had it taken away.

The visa is geared toward dependents of the state who wind up in foster care and have no chance of being reunited with relatives for reasons including abuse, abandonment or neglect. Those under certain guardianships or custody of the Office of Refugee Resettlement may also qualify.

But the program remains a complicated piece of federal immigration law, and immigration attorneys like Rebeca Salmon say they have worked for years to spread the word among their clients, fellow attorneys and judges.

Since 2007, Salmon has trained officials about the visa program and said cases are more likely to be approved when judges and other officials are familiar with it.

"It's made a big difference," said Salmon, who is based in Atlanta. "When I start doing this in 2007 they really weren't getting approved and as we started doing more, more went through not because people became more friendly but they became more educated."

In Georgia, Catholic Charities handles roughly 50 to 60 SIJS cases each year, said director Jennifer Bensman. Most are teens who fled poverty and gang violence in Central America, she said. Some are children who for various reasons are left without a guardian and are placed in foster care.

Of the roughly 7,600 children in state custody in Georgia, only 56 are of "undetermined status" — meaning the state has no records to prove they are in the country legally, according to Ravae Graham, a spokeswoman for the Department of Human Services Division. State officials must make a case for whether it's in the child's best interest to be reunited with relatives or to stay in the U.S. A judge then makes a decision on that matter, and the final decision on whether to grant a visa is then made by United States Citizenship and Immigration Services.

Judges have one decision to make for all children, Salmon said, just as a judge had to decide for Boudet: What is in the child's best interest?

Boudet's mother was deported for working illegally. Once child welfare found out Boudet was living in her home alone, she was put in foster care. Boudet said she talks with her mom occasionally by phone, but has no plans to move to Mexico. She has been in the U.S. since she was four.

Boudet now lives with her foster family and plans to get her high school diploma, finish cosmetology school and become a celebrity stylist. She occasionally thinks of what life could have been like, but she knows her visa gives her opportunities she might not have had otherwise.

"You do have those times where you are sad and you say, 'Oh, I wish my mom was here.' But she's not, and when I start thinking sad, I kind of shut myself down and," she said, her voice trailing off. "I really don't know how I would have been in Mexico. I don't know."

<http://abcnews.go.com/US/wireStory/visa-offers-path-immigrant-youth-state-care-17079115>