

NEWS – CONGRESSMAN PETE STARK

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Foster Children Opportunity Act, H.R. 3333

Abused and neglected immigrant children in our foster care system are often eligible for certain forms of legal immigration status. In 1990, on a bipartisan vote, Congress created the Special Immigrant Juvenile Status (SIJS) to allow undocumented children in foster care who cannot be safely returned to their home country to obtain legal residency and eventually become citizens. In 2008, Congress expanded the SIJS law to cover more children.

Only youth under the age of 21 who are still in the foster care system are eligible for SIJS. Once a youth “ages out” of care they are no longer eligible for SIJS. Often, court and child welfare personnel are unaware of immigration relief options available and children leave care without getting the assistance they need and are at-risk for deportation once they leave care. Despite having grown up in the United States and cared for by our foster care system, these abused and neglected youth can be sent back to a country where they don’t speak the language and where their abuser may reside.

The Foster Children Opportunity Act aims to correct this problem, realize the spirit of the SIJS law, and provide foster youth with a chance to be productive citizens. The legislation would ensure that children in the foster care system are screened and identified for eligibility for SIJS and other relief options as quickly as possible. It will also provide technical assistance and resources to court and child welfare staff to carry out this new requirement.

The Foster Children Opportunity Act will not change any aspect of current immigration law, nor will it result in any adults who have engaged in illegal behavior from gaining legal status. The bill will simply protect abused and neglected children by providing them with a fighting chance to lead healthy and productive lives in the country they grew up in.

In addition, the legislation will:

- Require juvenile courts and child welfare agencies to document procedures to assist immigrant children in obtaining appropriate forms of immigration relief when doing so in the child’s best interest;
- Permit the Court Improvement Program to use funds to educate and train judges and lawyers to assist SIJS-eligible foster children;

- Direct the Departments of Health and Human Services and Homeland Security to provide technical assistance to state and county child welfare agencies to carry out the provisions of the legislation;
- Ensure that youth who have obtained SIJS are able to benefit from federal programs that other former foster youth are eligible for, including student loans, housing assistance, and Medicaid.