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*****FOR IMMEDIATE RELEASE*****

Legal Aid Flags May 31, 2021 Deadline for Immigrant Youth Denied Special Immigrant Juvenile Status Under the Trump Administration

Immigrant Youth Between the Ages of 18-21 Must File an Appeal Under R.F.M. Class Action Relief or They Will Lose This Vital Form of Humanitarian Relief

(NEW YORK, NY) – The Legal Aid Society and Latham & Watkins LLP today issued a last call to [R.F.M. et al. v. Nielsen. et al.](#) class members that they must file a Form I-290B Notice of Appeal or Motion for denied or revoked Special Immigrant Juvenile Status (SIJS) petitions no later than **May 31, 2021**. SIJS is a form of humanitarian relief for vulnerable immigrant youth who have suffered abuse, abandonment, neglect, or a similar treatment by a parent.

"While thousands of young people have already benefited from the favorable decision and order in *R.F.M.*, we want to make sure that every young person impacted by the government's illegal actions can assert their rights," said **Beth Krause, Supervising Attorney of the Immigrant Youth Project at The Legal Aid Society**. "If you haven't spoken to a lawyer yet about your denied or revoked SIJS petition, please reach out to Class Counsel today."

In March 2019, a court ruled that USCIS unlawfully denied SIJS to immigrant youth over the age of 18. The agency estimated that the class was comprised of approximately 8,000 class members.

Who Needs to File a Form I-290B?

You are an *R.F.M.* class member who must submit an I-290B by May 31, 2021 if you were issued a New York Family Court Special Findings Order making the findings necessary to apply for SIJS when you were between the ages of 18-21 and your SIJS petition was denied or revoked after January 1, 2016. The R.F.M. class includes all individuals who meet the above SIJS requirements, even if their SIJS petition was not denied or revoked (e.g., issued a “notice of intent to revoke,” issued a “notice of intent to deny,” issued a “request for evidence,” case on appeal, or pending). However, only those with currently denied or revoked I-360 SIJS petitions need to file a Form I-290B to appeal the wrongful denial or revocation. These I-290Bs must be submitted by May 31, 2021.

There is no fee for *R.F.M.* class members to file the Form I-290B. If a class member’s SIJS application was granted or remains pending before USCIS, no further action is required.

Immigrant youth who are *R.F.M.* class members and do not have legal representation should email nysijclasscounsel@lw.com or call 212-418-7626 for free legal assistance regarding their case. To learn more, visit <https://www.legalaidnyc.org/sijs-update>.

SIJS Lawsuit Background

Since 2008, SIJS has served as a legal pathway for vulnerable minors under the age of 21, who have been abused, abandoned, or neglected by one or both parents, to obtain lawful permanent residency and a pathway to citizenship. However, under the Trump administration’s unlawful policy change, individuals who were over 18, but not yet 21, no longer were granted SIJS, despite there being no change in the federal law or regulations related to SIJS. This was a sharp departure from a decade of consistent policy, where SIJS applications filed by young immigrants between 18 to up to 21 years of age who were placed under guardianship by New York Family Courts were consistently, and properly, granted.

For a young person in New York to apply for SIJS, a New York Family Court must first determine that the applicant was abused, abandoned, neglected or subjected to similar maltreatment under New York State law, that the applicant cannot reunite with one or both parents, and that it’s not in the applicant’s best interest to be returned to the applicant’s country of birth or that of their parent. The court must also declare that the applicant is dependent on the court or must place the youth in the custody of a caretaker. This order is then submitted to USCIS as part of the SIJS application.

Without any prior announcement, USCIS narrowed its interpretation of the law starting in 2017, ultimately documenting its new policy in February 2018, as first [reported](#) in *The New York Times*. The policy change provided that in cases where applicants were 18 or over they no longer qualified, incorrectly reasoning that the state court’s authority ended at 18. This new policy had the practical effect of depriving thousands of immigrant youth of the opportunity to regularize their immigration status, and caused tremendous uncertainty, anxiety and other harm to children

who have, by definition, already suffered emotional trauma. As the US District Court for the Southern District of New York recognized, the agency's new position had no basis in law.

The lawsuit, filed as a class action by five young adults who applied for but were denied SIJS by the U.S. Citizenship and Immigration Services' (USCIS), challenged USCIS's new position. Plaintiffs successfully argued that the agency's new policy violated the federal Administrative Procedures Act (APA) because it contradicted the federal statute that created SIJS and misinterpreted New York law. On July 30, 2019, the government's deadline to appeal the ruling expired, marking the Court's decision final.

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