

1 [Urging Expedited Processing of Eligible Special Immigrant Juvenile Visas and Ensure the
2 Provision of Employment Documents for All Abused, Neglected, or Abandoned Children and
3 Youth]

4 **Resolution urging the Biden Administration to expedite the processing of all eligible**
5 **Special Immigrant Juvenile visas and to ensure the provision of employment**
6 **documents for all abused, neglected, or abandoned children and youth.**

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8 WHEREAS, The Immigration Act of 1990, notably created this humanitarian immigrant
9 classification known as Special Immigrant Juvenile (SIJ) status in recognition of the fact that
10 most of these youth experienced abuse, neglect, or abandonment in their home countries,
11 and that many entered the United States as unaccompanied minors; and

12 WHEREAS, Congress granted these children and youth a straightforward path to
13 legalization of status in humane recognition about this vulnerable population’s acute need for
14 stability and permanent sanctuary; and

15 WHEREAS, Immigrant youth who are eligible for this Special Immigrant Juvenile visa
16 have already endured the unimaginable, experiencing the challenges and trauma of escaping
17 violence and abandonment in their countries and seeking sanctuary in the United States at
18 such a young, formative age; and

19 WHEREAS, Prior to the United States Citizenship and Immigration Services (USCIS)
20 change in policy as amended by the Monday, March 7, 2022, “Policy Alert”, USCIS did not
21 permit SIJ applicants to apply for work permits until (1) their SIJ applications were fully
22 approved (which can take a year or more), and (2) they were at the front of the quota line and
23 could apply for permanent resident status, which can easily take several more years, resulting
24 in this vulnerable population suffering extreme hardships, often including homelessness,
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1 hunger, the inability to continue their education, and extreme exploitation from underground
2 work; and

3 WHEREAS, Even with the recent USCIS change in policy -as amended by the
4 Monday, March 7, 2022, "Policy Alert"-, USCIS states that it will on a "case by case basis"
5 determine whether applicants with approved SIJ petitions "warrant [] a favorable exercise of
6 discretion," and if so, will only then allow them to apply for work permits; and

7 WHEREAS, The above USCIS change in policy is a step in the right direction, but it is
8 an insufficient remedy in that it does not address the long wait times that USCIS makes SIJ
9 applicants wait for approval of their SIJ Visa Applications, in violation of federal law, and does
10 not address the need of all SIJ Visa Applicants to obtain work permits; and

11 WHEREAS, Without work permits these immigrant youth are forced to work for
12 unscrupulous or predatory employers who might force them into illicit jobs, uniformly violating
13 federal employer sanctions and labor laws, resulting in vulnerable immigrant youth being at
14 risk of being re-victimized, going cold, hungry and/or homeless for several years while their
15 visa petitions are pending; and

16 WHEREAS, Legal representatives for immigrant youth have called upon the Biden
17 administration to address settling the legal claims in a way that is operationally feasible,
18 humane, and efficient as the current policy is harmful, irrational, and bad public policy that
19 promotes the re-victimization of a vulnerable population; and

20 WHEREAS, A group of abused, neglected, and abandoned immigrant youths with
21 pending petitions for Special Immigrant Juvenile (SIJ) Status visas and several non-profit legal
22 services organizations throughout California, including some members of the San Francisco
23 Immigrant Legal Defense Collaborative (SFILDC), have filed a class action lawsuit in federal
24 court in Los Angeles (Casa Libre v. Mayorkas) against the Biden administration seeking work
25 permits for all SIJ petitioners with approvable cases; and

1 WHEREAS, Such cases are in fact approvable before they can file a SIJ petition
2 because these juveniles must obtain state court orders confirming they have in fact been
3 abused, neglected, or abandoned; and

4 WHEREAS, Unlike with SIJ applicants, USCIS in fact allows a host of other visa
5 category applicants to apply for employment authorization long before they may apply for
6 permanent resident status, and some even before their visa applications are approved; and

7 WHEREAS, There is no rational reason to discriminate against young abused,
8 neglected, and abandoned immigrant youth with pending visa applications; and

9 WHEREAS, It is unconscionable that SIJ applicant's quest for survival and freedom -
10 values that this country proudly upholds -is met with an indifferent bureaucratic process that
11 fails to protect them from further trauma and victimization, despite the fact that our juvenile
12 courts have determined that it is in their best interest to remain in the United States; and

13 WHEREAS, Approving these visas and work permits is a win-win effort as SIJ
14 applicants are seeking to contribute and participate in a legitimate way in our workforce and
15 economy at a time when we are in economic recovery and suffering from staff shortages
16 across all industries nationally; now, therefore, be it

17 RESOLVED, That the Board of Supervisors stands in solidarity with the immigrant
18 community and support the efforts of human rights advocates, immigration legal service
19 providers, members of the faith community, and elected representatives in advocating for a
20 change in policy which ensures the provision of employment documents for abused,
21 abandoned, or neglected immigrant children and youth who qualify for Special Immigrant
22 Juvenile Status; and, be it

23 FURTHER RESOLVED, The Board of Supervisors urges President Biden to meet with
24 impacted communities and representatives to explore policy changes that will allow work
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1 permits to be issued to all (SIJ) young immigrant visa petitioners soon after they file their SIJ
2 petitions; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors urges the Biden Administration
4 to expedite the processing and approval of all eligible SIJ visas and work permits to honor the
5 intent and purpose of the Immigration Act of 1990; and, be it

6 FURTHER RESOLVED, That That the Board of Supervisors directs the Clerk of the
7 Board to transmit copies of this Resolution to President Joseph Biden and to San Francisco's
8 Federal representatives, with a request to take all actions necessary to achieve the objectives
9 of this Resolution.

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City and County of San Francisco

City Hall
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San Francisco, CA 94102-4689

Tails
Resolution

File Number: 220274

Date Passed: March 22, 2022

Resolution urging the Biden Administration to expedite the processing of all eligible Special Immigrant Juvenile visas and to ensure the provision of employment documents for all abused, neglected, or abandoned children and youth.

March 22, 2022 Board of Supervisors - ADOPTED

Ayes: 10 - Chan, Haney, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

Absent: 1 - Mandelman

File No. 220274

I hereby certify that the foregoing Resolution was ADOPTED on 3/22/2022 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

03/31/2022

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

03/31/2022

Date