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Immigrant Youth File Class-Action Lawsuit against Trump Administration for Unlawfully Denying Them Humanitarian Protection

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Seattle (March 5, 2019) – Three immigrant youth today filed a class-action lawsuit in federal district court in the Western District of Washington, challenging the U.S Citizenship and Immigration Services’ (USCIS) new policy to deny Special Immigrant Juvenile Status (SIJS) for youth who filed their applications after turning eighteen years old. Congress created SIJS as a humanitarian program for immigrant youth who have been abused, neglected or abandoned, providing them a critical opportunity to find a stable home, receive essential services and support, and pursue educational and professional opportunities.

The lawsuit asserts that USCIS’s new policy violates the controlling statute by refusing to honor state court orders that were issued to youth after they turned 18 years old but before they turned 21 years old. Yet the Immigration and Nationality Act makes clear that any unmarried youth under 21 years of age is eligible to apply for SIJS if a state court that has jurisdiction over their custody and care makes findings that 1) the youth is unable to be reunited with one or both parents because they have been abandoned, abused or neglected, and 2) it is not in the youth’s best interest to return to their country of origin. Unlike other areas of immigration law, the federal statute provides that state courts—not federal agencies—are responsible for making these preliminary findings that render the youth eligible for SIJS. However, starting last year, USCIS has refused to recognize the authority of state courts to make these findings when the youth has already turned 18 years old.

Northwest Immigrant Rights Project (NWIRP) filed the case on behalf of the three youths, and is asking the court to certify a class including up to 100 similarly situated youths in Washington State. This lawsuit follows two other similar class actions brought in New York and California. A federal district court has preliminarily enjoined USCIS from applying the new policy to the class members in California, ruling that the policy runs afoul of the federal statute. Nonetheless, USCIS has now begun applying this new policy to youth in Washington State. The lawsuit identifies three applications that have already been denied under the new policy, and scores of other applications that face certain denials in light of that policy.

One of the named Plaintiffs, Jose Ramos, has been detained at the Northwest Detention Center in Tacoma, Washington, for over a year, waiting for his opportunity to obtain SIJS. But last month USCIS denied his application pursuant to their new policy, placing him in jeopardy of being ordered removed and indefinitely separated from his guardian.

In addition, the lawsuit challenges USCIS's failure to comply with the congressional mandate to adjudicate SIJS petitions within 180 days. The complaint alleges that the agency forces SIJS applicants to wait for many additional months, causing great harm to the youth whose lives are left in the balance during this period. Indeed, some of the youth are forced to sit in immigration detention waiting for their applications to be adjudicated.

USCIS delayed two years before issuing a decision denying Plaintiff Leobardo Moreno's application, leaving him also at risk of being ordered removed by the immigration judge. Angel Munoz, another named Plaintiff, continues to wait for his application to be adjudicated even though it was filed in November of 2017. He also fears being separated from his younger brother and their guardian.

"This is another egregious example of the Trump administration unlawfully attempting to deny whole categories of immigrants their opportunity to obtain legal status in this country," said Matt Adams, Legal Director for Northwest Immigrant Rights Project. "In this case the administration is yet again targeting some of the most vulnerable individuals in our communities—children and youth who have been abandoned, abused or neglected."

The complaint can be found [here](#)

The motion for class certification can be found [here](#)

The motion for preliminary injunctive relief can be found [here](#)