

Family and Criminal Court Scenarios in Which Courts Will Encounter Immigrants Who are Eligible for Violence Against Women Act (VAWA and U Visa), Trafficking Victims Protection Act (TVPA), Special Immigrant Juvenile (SIJS) and Deferred Action for Childhood Arrival (DACA) Immigration Protections

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Child Custody

- T Visa – Trafficking Victims
 - Child born between trafficking victim and trafficker
 - Incest between the trafficker and the trafficking victim’s child results in birth of a child
 - Trafficker father or Step-Father kidnaps the trafficking victim’s child
 - Trafficker marries and adopts trafficking victim’s child then seeks custody

- U Visa – Victims of Criminal Activity
 - Child born as result of rape
 - Child born as a result of marital rape where the abusive spouse is not a citizen or lawful permanent resident
 - Domestic violence between boyfriend and girlfriend who have a child and the victim and victim’s child are immigrants.
 - Domestic violence between same sex partners and/or spouses who have a child in common and whose marriage is not recognized by employer
 - Nanny held hostage by employer and raped resulting in a child born of the rape
 - Child kidnapping as a U visa criminal activity (foreign or domestic)
 - Incest perpetrated by a family or household member
 - Female genital mutilation that occurs in the United States.

- VAWA Self-Petitioners, Cancellation of Removal or Suspension of Deportation – Domestic violence perpetrated by U.S. citizen spouse, former spouse, parent, step-parents or U.S. citizen adult child
 - Battering or extreme cruelty¹ perpetrated against a spouse, former spouse, child, step-child or parent²
 - Spouse abuse where the parties have a child (includes both heterosexual and same sex marriages)
 - Child kidnapping by the abusive spouse or their family member³

¹ <http://niwaplibrary.wcl.american.edu/reference/additional-materials/materials-for-adjudicators-and-judges/reports-memos-social-science-research-and-related-data/Extreme-Cruelty-BIA-training-memo.pdf/view>

² If the perpetrating child is over 21 years of age

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- Abuse of an Immigrant child or step-child (adoption not required)
 - Incest perpetrated by a parent or step-parent
 - Child abuse of an immigrant child or citizen child where the non-abusive immigrant parent married to the US Citizen or Legal Permanent Resident Parent, Step-Parent, Abuser can get VAWA cancellation and suspension included to help parents come forward.
- Special Immigrant Juvenile Status (SIJS)
- SIJS findings can be made in these family court in which a parent, family member or any other third party is being awarded custody of juvenile due to battering, extreme cruelty, abuse, neglect, abandonment, or other similar grounds in which one or both of the child's parents is a factor in the custody determination.
 - Custody between parents where one was abusive, neglectful, or abandoned child. This is especially important when it is the child and not mom who is abused or mom live in jurisdiction without U certification.
 - Custody between grandparents and parents when one parent abandoned and one parent abusive.
- DACA
- Immigrant Parent seeking custody of DACA eligible child from other Immigrant Spouse to return with DACA child to home country which would cut off DACA eligibility
 - Immigrant Parent seeks custody of DACA eligible child from other Immigrant Spouse and remains in the US.
 - Citizen parent seeking custody of independently DACA eligible child to be able to confer status from immigrant child, but Citizen parent is misleading court by saying that they need custody to confer status on independently DACA eligible child.
 - Court should also determine if DACA child also qualifies for SIJS relief as a supplement to DACA eligibility, and if SIJS eligible make both DACA and SIJS eligibility finding, which includes a path to citizenship.

Divorce/Legal Separation Proceedings

Perpetration of abuse, neglect, battering, extreme cruelty, or other criminal activities affect whether the non-perpetrating spouse's remedies in a divorce case including but not limited to: division of property, alimony, child custody, visitation, permission for to move with children to a safer location, child support

- T Visa – Trafficking Victims
- U.S. citizen trafficking a fiancé or spouse into the United States
 - Trafficker who married the trafficking victim
 - Trafficker married the trafficking victim's child
- U Visa – Victims of Criminal Activity
- Non-citizen spouse in a divorce proceeding could have been a victim of a criminal activity covered by the U visa (abduction, abusive sexual conduct, blackmail, domestic

³ http://niwaplibrary.wcl.american.edu/vawa-confidentiality/government-memoranda-and-factsheets/c_VAWAConf_DHSGuidanceSec%20384_05.05.97_FIN.pdf/view

- violence, extortion, false imprisonment, felonious assault, female genital mutilation, held hostage, incest, involuntary servitude, kidnapping, manslaughter, murder, obstruction of justice, peonage, perjury, prostitution, rape, sexual assault, sexual exploitation, slave trade, torture, sever forms of human trafficking, witness tampering, unlawful criminal restraint, child abuse, and elder abuse) and may have access to legal immigration status
- Spouse with legal immigration status raising the immigration status of an undocumented spouse to gain advantage in the divorce proceeding and the undocumented spouse was a victim of a U visa qualifying criminal activity
 - Spouse in a divorce proceeding has threatened the immigrant spouse with deportation to keep the immigrant spouse from testifying about the spouse's criminal activities
- VAWA Self-Petitioners, Cancellation of Removal or Suspension of Deportation – Domestic violence perpetrated by U.S. citizen spouse, former spouse, parent, step-parents or U.S. citizen adult child
- Citizen or lawful permanent resident spouse has refused to file, withdrawn, revoked or is threatening to withdraw or revoke an application for legal immigration status filed on behalf of the immigrant spouse or the immigrant spouse's child
- Special Immigrant Juvenile Status (SIJS)
- SIJS findings can be made in these family court in which a parent, family member or any other third party is being awarded custody of juvenile due to battering, extreme cruelty, abuse, neglect, abandonment, or other similar grounds in which one or both of the child's parents is a factor in the custody determination.
- DACA
- Immigrants who are getting divorced have child who qualifies for DACA independent of parents' status.
 - If purpose of divorce or separation is based on abuse, abandonment, neglect, or other SIJS qualifying action court must determine if DACA child also eligible for SIJS relief as supplement to DACA eligibility, which includes a path to citizenship.
 - If purpose for divorce or separation is VAWA eligible court should determine if DACA child eligible for VAWA relief as supplement to DACA relief.

Protection Orders

- T Visa – Trafficking Victims
- Victim seeks a protection order against her trafficker if the relationship between the trafficker and the victim is covered by the state protection domestic violence order statute
 - Victim seeks a sexual assault or anti-harassment protection order against her trafficker
- U Visa – Victims of Criminal Activity
- U-visa eligible immigrant victims appear in family court seeking protection orders against their intimate partners, the other parent of their children, parents, children, siblings, extended family members.
 - Victim of elder abuse seeks a protection order against their caretaker if the relationship is covered by the state domestic violence, sexual assault or anti-harassment protection order statutes

- Sexual assault victim seeks a sexual assault protection order against a perpetrator of non-intimate partner sexual assault (e.g. by an employer, teacher, co-worker, classmate, stranger)
- VAWA Self-Petitioners, Cancellation of Removal or Suspension of Deportation – Domestic violence perpetrated by U.S. citizen spouse, former spouse, parent, step-parents or U.S. citizen adult child
 - Battered spouse seeks a domestic violence protection order against her current, former or bigamous spouse
 - Elder abuse victim seeks a domestic violence, sexual assault or anti-harassment protection order against their citizen or lawful permanent resident spouse, former spouse or bigamous spouse
 - Elder abuse victim seeks a domestic violence, sexual assault or anti-harassment protection order against their over 21 year old citizen child, son-in-law or daughter-in-law
 - A U.S. citizen or legal permanent resident stepchild over twenty-one years of age can sponsor their immigrant step-parents if the step-parent/stepchild relationship was formed before the U.S. citizen or legal permanent resident stepchild turn eighteen-years-old.
- Special Immigrant Juvenile Status (SIJS)
 - The jurisdictional basis upon which state courts are authorized under state law to issue protection orders in civil or criminal court cases require findings of that family violence has occurred against a spouse, former spouse, a child or another relationship covered by the state protection order statute. Must be based on findings by the court that a crime or another form of abuse, neglect, battering or harm listed in the state protection order statute has occurred. State courts issuing protection orders in civil or criminal court cases must be authorized and encouraged to enter SIJS findings when the protection order includes custody, visitation, and/or child support orders. The circumstances in which it would be appropriate for a protection order to include SIJS findings include but are not limited to the following:
 - The child has been abused by one parent and the protection order gives custody to the non-abusive parent
 - One of the child’s parents has abused the other parent; the abuse occurred in the presence of the immigrant child and the court enters findings that such abuse constitutes abuse or neglect of the child; the protection order includes a custody award to the non-abusive parent and protects both the abused parent and the child from ongoing abuse;
 - An abused child files a protection order against their abusive parent that orders their abusive parent and include provisions about the care or custody of the child;
 - An under 21-year-old immigrant child files a sexual assault protection order against their sexually abusive parent.
- DACA
 - Abused spouse seeking protective order has child with abuser that qualifies for DACA independent of parents’ status
 - Abused immigrant seeking protective order has child with abuser that qualifies for DACA independent of parents’ status

- DACA eligible child seeks protection order from abuser

Child Support/Paternity

- T Visa – Trafficking Victims
 - Trafficking victim had the traffickers child and comes to court seeking child support
 - Petition to prove the trafficker’s paternity for child support purposes
- U Visa – Victims of Criminal Activity
 - Nanny held hostage by employer and raped and a child is born of the rape and the mother is seeking child support
 - Worker is raped by her employer, the rape resulted in birth of a child and the worker is seeking child support
 - Domestic and dating violence relationships lead to birth of a child when the parents are not married and the custodial parent is seeking child support
 - Spousal abuse in which the perpetrator spouse is not a U.S. citizen or lawful permanent resident and the parties have a child and the custodial parent is seeking child support
 - Rape results in birth of a child and the immigrant rape victim is seeking child support from the rapist
 - Petition to prove that the U visa perpetrator’s paternity for child support purposes
- VAWA Self-Petitioners, Cancellation of Removal or Suspension of Deportation – Domestic violence perpetrated by U.S. citizen spouse, former spouse, parent, step-parents or U.S. citizen adult child
 - Spouse abuse in which the parties are separated and the battered immigrant parent is seeking child support for their child born of their marriage or adopted by their U.S. citizen or lawful permanent resident spouse
 - Seeking child support for a child born of incest between a child and their U.S, citizen or lawful permanent resident parent or step parent
 - Petition to prove the spouse, former spouse or incestuous parent’s paternity for child support purposes
- Special Immigrant Juvenile Status (SIJS)
 - The most common circumstances in which SIJS findings may be entered in a paternity and child support cases would be cases brought by a custodial parent against a non-custodial parent who has abandoned the immigrant child.
 - This occurs in a number of circumstances including when the natural parent does not recognize the child as their own or when the child was born as the result of rape or incest.
 - In these proceedings the court issues orders establishing paternity, legally recognizing the custodial parent, and awarding child support to that parent needed for care of the child based on the state’s child support guidelines. State courts issuing court orders in paternity and child support cases are making findings about custody and determinations about the care of children and should be explicitly included by DHS as state courts authorized to enter SIJS orders in appropriate cases.
- DACA
 - Parent seeking child support from other Parent of child that qualifies for DACA.

Termination of Parental Rights

- T Visa – Trafficking Victims
 - Parent has sold their child into sex trafficking or forced labor
 - Trafficking victim's parent sues for termination of parental rights based on the fact that the parent is a trafficker and can be determined in the best interest of the child that the trafficker parent's right should be terminated.

- U Visa – Victims of Criminal Activity
 - Perpetrator has gotten the state to initiate termination of parental rights proceedings against the custodial parent who has been a victim of criminal activity, often after triggering immigration enforcement proceedings against the immigrant victim parent
 - State has initiated termination of parental rights against an immigrant parent who has been a victim of criminal activity who has been unable to participate in court proceedings because of DHS detention
 - U-Visa crime victim's parent sues for termination of parental rights based on the fact that the parent has committed a U-visa crime and can be determined in the best interest of the child that the perpetrator parent's right should be terminated.

- VAWA Self-Petitioners, Cancellation of Removal or Suspension of Deportation – Domestic violence perpetrated by U.S. citizen spouse, former spouse, parent, step-parents or U.S. citizen adult child
 - Child has been battered or subject to extreme cruelty by one or both parents and has been placed in termination of parental rights proceedings prior to adoption
 - State has initiated termination of parental rights against an immigrant parent who has been battered or subjected to extreme cruelty and is eligible for relief under VAWA who has been unable to participate in court proceedings because of DHS detention

- Special Immigrant Juvenile Status (SIJS)
 - State courts issuing rulings in termination of parental rights proceedings should be authorized and encouraged to include SIJS findings in their court orders when one or both parent's parental rights are terminated due to battering, extreme cruelty, abuse, neglect or abandonment, or other any similar basis under that state law.

- DACA
 - Immigrant parent sues to terminate immigrant spouse's parental rights of their child who qualifies for DACA, based on best interest of the child.
 - If termination proceedings based on SIJS eligible actions Court should also determine if DACA child is SIJS eligible. If DACA child can also be eligible for SIJS eligible then court should make SIJS finding so DACA child has path to citizenship.
 - If termination proceedings are based on VAWA eligible criteria then court should make determination on whether child qualifies for VAWA as well as DACA relief.

Child Abuse & Neglect and Elder Abuse Proceedings

- T Visa – Trafficking Victims

- Child trafficking victim is subject of a child abuse or neglect proceeding in which the court is being asked to determine placement of the child
 - An under 21 year old parent of a child trafficking victim or an under 21 year old trafficking victim and their child are the subject of a child abuse or neglect proceeding in which the court is being asked to determine placement both the under 21 year old parent and her child
- U Visa – Victims of Criminal Activity
 - A child, an incapacitated adult or an elder abuse victim who is the subject of a child abuse or neglect or elder abuse proceeding and has been have been a victim of a listed criminal activity by parents, guardian, caregiver, or other person
- VAWA Self-Petitioners, Cancellation of Removal or Suspension of Deportation – Domestic violence perpetrated by U.S. citizen spouse, former spouse, parent, step-parents or U.S. citizen adult child
 - A battered immigrant spouse eligible for relief under VAWA could be brought before the court in a child abuse or neglect proceeding in which their perpetrator also abused their child, their parent or their step-parent
- Special Immigrant Juvenile Status (SIJS)
 - In any suit affecting the parent-child relationship state courts make determinations and enter orders regarding the custody and care of children. State courts hearing child abuse and neglect cases are encouraged to use best practices supported by current evidence based research in placing children.
 - Placements can include kinship care, placement with a non-abusive parent, relative, family friend, god parent or if no other placements are available foster care. Child abuse and neglect and other dependency proceedings meet the requirements of a dependency proceeding under SIJS and Courts should be authorized and encouraged include SIJS related findings in the court orders issued in these cases.
- DACA
 - Child who qualifies for DACA is victim of abuse or neglect from one or both immigrant parents or legal guardian
 - DACA qualifying child who is victim of SIJS eligible abuse, the Court should make determination on whether DACA child eligible for both SIJS and DACA relief.
 - DACA qualifying child who is victim of VAWA eligible abuse, the Court should make determination on whether DACA child also eligible for VAWA relief.

Adoption

- T Visa – Trafficking Victims
 - U.S. citizen traffickers may seek to adopt immigrant girls and force them into prostitution or labor
 - Child has been rescued from trafficking and put up for adoption
- U Visa – Victims of Criminal Activity

- U.S. citizen or lawful permanent resident may seek to adopt immigrant girls and force them into prostitution or labor, or criminal activity
 - U visa victim is being adopted and is over age 16 so the adopting parents cannot confer immigration status on the child and the U visa would be the immigrant child's option
 - U visa victim child is the process of being adopted and the adoption needs to be completed before the child's 16 birthday in order for the child to attain immigration relief through the adoptive parents and they have to have been in the custody of or residing with the adopting parent for at least 2 years
- VAWA Self-Petitioners, Cancellation of Removal or Suspension of Deportation – Domestic violence perpetrated by U.S. citizen spouse, former spouse, parent, step-parents or U.S. citizen adult child
- Child has been taken from parents by the state, now a ward
 - Abused child adopted and is over age 16 so the adopting parents cannot confer immigration status on the child and the child was abused by the child's natural parent while under the age of 21 can self-petition despite the adoption
 - Abused child is the process of being adopted and the adoption needs to be completed before the child's 16 birthday in order for the child to attain immigration relief through the adoptive parents, if the child has been battered or subjected to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household the two year residency requirement is waived
- Special Immigrant Juvenile Status (SIJS)
- State court adoption proceedings involve the issuance of court rulings in which the court terminates the parental rights of either or both parents or in which a birth parent voluntarily gives up parental rights and those rights are transferred to another individual.
 - When an immigrant child is being adopted who has been abused, neglected, abandoned, battered or subjected to extreme cruelty or another similar basis under state law the adoption court should be authorized and encouraged to enter SIJS findings.
- DACA
- DACA qualifying child is put up for adoption by immigrant parents or legal guardian

Guardianship

- T Visa – Trafficking Victims
- Child trafficking victim who has escaped the trafficker seeks appointment of a guardian
 - A disabled trafficking victim (adult or child) who is incapacitated may need appointment of a guardian
- U Visa – Victims of Criminal Activity
- Child victim of criminal activity who has escaped the perpetrator (parent, employer, trafficker or other person) seeks appointment of a guardian
 - A disabled victim of criminal activity (adult or child) who is incapacitated may need appointment of a guardian

- Perpetrator comes to court seeking to have the victim deemed incapacitated which: prevents her from testifying against him, undermines the credibility of her testimony, to exert power and control or coercive control over the victim
- VAWA Self-Petitioners, Cancellation of Removal or Suspension of Deportation – Domestic violence perpetrated by U.S. citizen spouse, former spouse, parent, step-parents or U.S. citizen adult child
 - Perpetrator comes to court seeking to have the victim deemed incapacitated which: prevents her from testifying against him, undermines the credibility of her testimony, to exert power and control or coercive control over the victim
- Special Immigrant Juvenile Status (SIJS)
 - State courts issuing court orders in guardianship proceedings should be authorized and encouraged to issue SIJS findings when the juvenile who is the subject of the guardianship proceeding has been abused, neglected, battered, subjected to extreme cruelty or abandoned.
- DACA
 - DACA qualifying child deemed incapacitated and requires guardian.
 - If DACA eligible child needs guardian based on SIJS criteria, judges should determine if DACA child is eligible for both DACA and SIJS relief, which can lead to a path to citizenship.
 - If DACA eligible child needs guardian based on VAWA criteria, judges should determine if child eligible for both DACA and VAWA relief.

Juvenile Delinquency Proceedings

- T Visa – Trafficking Victims
 - Child defendant has been a victim of sex or labor trafficking
 - Parent of the child has been a victim of a severe form of human trafficking and the trafficking has contributed to the child’s alleged delinquency
- U Visa – Victims of Criminal Activity
 - Child defendant has been a victim of a U visa criminal activity
 - Parent of the child has been a victim of a U visa criminal activity that has contributed to the child’s alleged delinquency
 - Child defendant who is a runaway due to abuse, abandonment, incest, sexual assault or other U visa crime
- VAWA Self-Petitioners, Cancellation of Removal or Suspension of Deportation – Domestic violence perpetrated by U.S. citizen spouse, former spouse, parent, step-parents or U.S. citizen adult child
 - Child defendant has been abused by parent, step-parent, spouse, former spouse, bigamist spouse and is eligible for VAWA immigration relief
- Special Immigrant Juvenile Status (SIJS)

- State courts in juvenile delinquency proceedings should be authorized to issue SIJS findings when the court issues orders confining juveniles to state juvenile detention centers, boot camps, or other forms of supervision in which the state is responsible for the care and custody of the juvenile. This can include placement of delinquent children under the custody of probation departments, foster care and other state agencies.⁴ Experiencing child abuse, battering, extreme cruelty, being neglected or being abandoned are traumatic events that have profound effects on child development and contributes to juvenile delinquency.⁵
- DACA
 - Child defendant is an immigrant child who qualifies for DACA if not a felony, significant misdemeanor, DACA eligible child does not have three or more misdemeanor convictions, and does not pose a threat to national security⁶.

Criminal Proceedings

- T Visa- Trafficking Victims
 - Trafficker is brought up on criminal proceedings
- U Visa – Victims of Criminal Activity
 - If an immigrant has been a victim of one of the qualifying crimes or has witnessed it:
 - Abduction
 - Abusive Sexual Contact
 - Blackmail
 - Domestic Violence (including if the perpetrator was not the spouse of the victim)
 - Extortion
 - False Imprisonment
 - Felonious Assault
 - Female Genital Mutilation
 - Being Held Hostage
 - Incest
 - Involuntary Servitude
 - Kidnapping
 - Manslaughter (for the immediate family of the victim)
 - Murder (for the immediate family of the victim)
 - Obstruction of Justice
 - Peonage
 - Perjury
 - Prostitution
 - Rape

⁴ Angie Junck, *Special Immigrant Juvenile Status: Relief for Neglected, Abused and Abandoned Undocumented Children*, JUV. & Fam. L. 48, 55

⁵ Ajay Chaudry, Randolph Capps, Juan Pedroza, Roberts Santos, Rosa Maria Castaneda, Roberts Santos & Molly M. Scott. *Facing Our Future, Children in the Aftermath of Immigration Enforcement*, (The Urban Institute, February 02, 2010), available at <http://www.urban.org/publication>.

⁶ Fragomen, “Flowchart for Determining Eligibility for Deferred Action for Childhood Arrivals (DACA)” available at <http://www2.nycbar.org/citybarjusticecenter/pdf/DACA/DACA%20Eligibility%20Flowchart.pdf>

- Sexual Assault
- Sexual Exploitation
- Slave Trade
- Torture
- Severe Forms of Human Trafficking (potentially qualified for a T visa)
- Witness Tampering
- Unlawful Criminal Restraint
- Child Abuse
- Elder Abuse
- Also includes attempt, conspiracy, or solicitation to commit any of the above, and other related, crimes.
- VAWA Self-Petitioners, Cancellation of Removal or Suspension of Deportation – Domestic violence perpetrated by U.S. citizen spouse, former spouse, parent, step-parents or U.S. citizen adult child
 - Spouse who abused VAWA victim brought up on criminal charges
- Special Immigrant Juvenile Status (SIJS)
 - State criminal courts issue orders, findings and have jury verdicts returned in a broad range of criminal court cases in which crimes are perpetrated against children. When these crimes are perpetrated by one or both of the child’s parents and the child is an immigrant criminal courts should be authorized and encouraged to issue SIJS findings.
- DACA
 - Child defendant is an immigrant child who qualifies for DACA if not a felony, significant misdemeanor, DACA eligible child does not have three or more misdemeanor convictions, and does not pose a threat to national security⁷.

Palimony Proceedings

- T Visa – Trafficking Victims
 - U.S. citizen fiancé who brings in a non-citizen fiancé, does not marry her, and holds her hostage
- U Visa – Criminal activity victims
 - U.S. citizen fiancé who brings in a non-citizen fiancé, does not marry her, and holds her hostage
- VAWA Self-Petitioners, Cancellation of Removal or Suspension of Deportation – Domestic violence perpetrated by U.S. citizen spouse, former spouse, parent, step-parents or U.S. citizen adult child
 - VAWA victim sues significant other for palimony

⁷ Fragomen, “Flowchart for Determining Eligibility for Deferred Action for Childhood Arrivals (DACA)” available at <http://www2.nycbar.org/citybarjusticecenter/pdf/DACA/DACA%20Eligibility%20Flowchart.pdf>

Emancipation

Child who has been abused or neglected by a parent/step-parent/adopted parent and is seeking to emancipate himself/herself.

- T Visa- Trafficking Victim
 - Child seeking emancipation is child of trafficker
 - Child seeking emancipation is child of trafficking victim
 - Child seeking emancipation is child of U- Visa crime victim child

- U Visa- Trafficking Victim- Victim of criminal activity
 - Child seeking emancipation is child of U- Visa crime perpetrator
 - Child seeking emancipation is child of U- Visa crime victim
 - Child seeking emancipation is child of U- Visa crime victim child.

- VAWA Self-Petitioners, Cancellation of Removal or Suspension of Deportation – Domestic violence perpetrated by U.S. citizen spouse, former spouse, parent, step-parents or U.S. citizen adult child
 - The abusive parent/step-parent/guardian perpetrator is a U.S. citizen or legal permanent resident

- Special Immigrant Juvenile Status (SIJS)
 - Juveniles over the age of 18, but under the age of 21, can initiate an action before the family court requesting a declaratory judgment containing the findings required for the immigrant juveniles SIJS application.
 - The abused, neglected, abandoned, or battered immigrant child presents testimony and introduces supporting evidence to the court sufficient to receive a court order containing SIJS findings. In these cases, immigrant children are not required to serve their abusive parents with notice of the SIJS proceeding.
 - Also known as Motions for Declaratory Judgment

- DACA
 - Child seeking emancipation is a immigrant child who qualifies for DACA
 - If reason for emancipation is SIJS eligible criteria, then judges should determine if DACA eligible is also available for SIJS relief to supplement DACA relief.
 - If reason for emancipation is VAWA eligible criteria, then judges should make a determination on whether DACA eligible child is eligible for VAWA relief to supplement DACA relief.