



# Milbank

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## **New Report Shows More than 100,000 Youth with SIJS Caught in Legal Limbo** *Never-before-seen data shows SIJS backlog has more than doubled in two years*

**Washington, DC**—The End SIJS Backlog Coalition (a project of the National Immigration Project) and Tulane Law School’s Immigrant Rights Clinic today released a new report, [\*False Hopes: Over 100,000 Immigrant Youth Trapped in the SIJS Backlog\*](#). The report, based on information obtained through FOIA litigation, details how federal actions have drastically increased the SIJS backlog over the past two years and highlights the first-hand stories of SIJS youth of how the growing backlog continues to impact them.

Special Immigrant Juvenile Status (SIJS) is a congressionally created humanitarian protection designed to quickly provide permanent legal protections to immigrant children who have been abused, abandoned, or neglected by their parents. In recent years, tens of thousands of children per year have applied for SIJS, but have faced steep systemic challenges in accessing the stability and protection the program promises in a timely manner. The SIJS backlog, caused by a technical oversight in how Congress drafted the law, leaves immigrant youth at risk of deportation, without stable access to housing, work, medical care and unable to apply for federal student aid, despite having approved humanitarian protection. **Laila Hlass, a law professor at Tulane Law School and co-author of the report** says, “When Congress created SIJS to protect children more than 30 years ago, no one anticipated this little technical issue would result in a backlog forcing more than 100,000 young people into a legal limbo, with devastating ripple effects in their lives and communities.”

Data in the report shows that the government is routinely violating the law by taking too long to make decisions on SIJS petitions. The report also highlights how the years-long wait to seek lawful permanent residence has severe mental health and other impacts on the daily lives of immigrant youth. **As one youth featured in the report shares**, “[When I get my green card], I can start healing the other things that have been messed up. But the longer it takes, the harder it is going to be for me

to fix everything that has been damaged throughout all of these years, especially psychologically. It's just a lot of stress and I just feel numb.”

The report also makes key recommendations, including the call for Congress to pass the amendments included in The Protect Vulnerable Immigrant Youth Act (S.1885/H.R. 4285) that would exempt thousands of SIJS youth from the employment-based visa caps, thereby ensuring SIJS youth can achieve the permanency in the United States that Congress intended.

“This report paints a stark picture of the SIJS backlog and the negative, long lasting effects that it has on youth who have already faced significant trauma,” said **Milbank LLP Pro Bono Counsel Anthony Perez Cassino**. In 2021, Milbank filed suit on behalf of not-for profit The Door and Ms. Hlass, as part of the broader End SIJS Backlog Coalition, against the United States Citizenship and Immigration Services (USCIS) seeking expedited processing of a Freedom of Information Act request for agency data on SIJS adjudications and applications. “The FOIA litigation allowed us to see the true scope of the backlog, and we hope that this report leads to actionable steps to end the backlog. We will continue to support the End SIJS Backlog Coalition and those affected until all SIJS youths have been afforded the protection they desperately need.”

"For more than seven years, the SIJS backlog has been creating dangerous delays and life-threatening challenges for young people, completely defeating the law's intended purpose," said **Rachel Davidson, Director of the End SIJS Coalition (a project of the National Immigration Project) and co-author of the report**. "Our findings in this report also show that the backlog is increasing at an alarming rate, more than doubling in only two years. We urge the Biden administration and Congress to heed our recommendations, listen to the stories of directly-impacted young people, and take immediate action to end this harmful backlog and protect immigrant youth."

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