



# SPECIAL IMMIGRANT JUVENILE STATUS

## *Responding to Inappropriate RFEs and NOIDs in Special Immigrant Juvenile Status Cases*

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### I. Introduction

Special Immigrant Juvenile Status (SIJS) provides a path to legal status for certain undocumented youth who have been abandoned, abused, or neglected by a parent, and where it is not in their best interest to return to their home country.<sup>1</sup> SIJS is a unique form of immigration relief because it first requires a state court to make certain findings about a youth before they are eligible to apply.<sup>2</sup> These findings are referred to as the “state predicate order” or “SIJS findings.” When United States Citizenship & Immigration Services (USCIS) reviews the SIJS petition, it closely inspects the SIJS findings as well as other elements of the petition for SIJS.

USCIS generally issues Requests for Evidence (RFEs) and Notices of Intent to Deny (NOIDs)<sup>3</sup> to seek additional information in cases when it has questions about eligibility or evidence. However, on July 13, 2018, USCIS issued a new policy memorandum that limits the circumstances in which it will issue RFEs or NOIDs.<sup>4</sup>

Due to this guidance, USCIS will likely start to deny more cases without first issuing RFEs and/or NOIDs. This may mean that a significant number of cases will be denied without an opportunity for the petitioner or applicant to respond to USCIS’s questions or provide additional evidence. The changes announced in the July 2018 memo apply to cases filed on or after September 11, 2018. The July 2018 memo also rescinds a 2013 policy memo on this same topic.<sup>5</sup>

These policy changes add to an increasingly challenging context for filing SIJS petitions. In recent years, USCIS has shifted its policies and practices often in SIJS cases, scrutinizing SIJS petitions more closely and denying many petitions that previously would have been approved. Further, USCIS issued a new policy in June 2018 that requires it to place an applicant in proceedings when an SIJS application is denied and the person is in unlawful status. For information on how

<sup>1</sup> Thanks to Kristen Jackson, Senior Staff Attorney at Public Counsel, for her invaluable contributions. Thanks also to Lucero Chavez, Senior Staff Attorney at Public Counsel, for her important work with the ILRC on this issue.

<sup>2</sup> For an overview of SIJS, see ILRC, *Special Immigrant Juvenile Status and Other Immigration Options for Children and Youth*, <https://www.ilrc.org/special-immigrant-juvenile-status>.

<sup>3</sup> See 8 C.F.R. § 103.2(b)(8) *et seq.* for additional information on RFEs and NOIDs, including regulations requiring that derogatory information unknown to the petitioner or applicant be disclosed prior to a decision.

<sup>4</sup> USCIS, *Policy Memorandum: Issuance of Certain RFEs and NOIDs; Revisions to Adjudicator’s Field Manual (AFM) Chapter 10.5(a), Chapter 10.5(b)*, (July 13, 2018), available at [https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/AFM\\_10\\_Standards\\_for\\_RFEs\\_and\\_NOIDs\\_FINAL2.pdf](https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/AFM_10_Standards_for_RFEs_and_NOIDs_FINAL2.pdf) [hereinafter July 2018 Policy Memo].

<sup>5</sup> USCIS, *Policy Memorandum: Requests for Evidence and Notices of intent to Deny*, (June 3, 2013), available at <https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2013/June%202013/Requests%20for%20Evidence%20%28Final%29.pdf> [hereinafter June 2013 Policy Memo].

this guidance affects SIJS cases, see ILRC, *Risks of Applying for SIJS in Affirmative Cases*, (Sept. 2018).<sup>6</sup> The combined effect of these policy changes means that it is all the more important to be thorough and careful in initial SIJS filings.<sup>7</sup>

This practice advisory provides an overview of the law governing RFEs and NOIDs, outlines the changes to USCIS policy announced in the July 2018 Policy Memo, and sets forth a six-step process to follow when responding to requests for additional evidence. We also include sample arguments to make when responding to common RFE and NOID scenarios in the SIJS context.

## II. Overview of Current SIJS Landscape

In recent years, USCIS has issued an increased number of RFEs and NOIDs to address perceived deficiencies in SIJS petitions. This may be the combined result of a number of factors discussed below.

### A. Centralization of Adjudication

In November 2016, the National Benefits Center (NBC) began adjudicating all SIJS petitions (both the I-360<sup>8</sup> petitions for SIJS, and the I-485<sup>9</sup> applications for adjustment of status based on SIJS). Local field offices are no longer adjudicating SIJS petitions. Practitioners, therefore, can no longer rely on their years of collective experience with local USCIS offices to understand how adjudications take place.

### B. The October 2016 Release of the SIJS Portions of the USCIS Policy Manual

USCIS issued portions of its Policy Manual on SIJS, effective October 26, 2016.<sup>10</sup> The Policy Manual provides new details about how USCIS adjudicates SIJS petitions. In particular, USCIS has increased its scrutiny of state juvenile court orders to ensure that the request for SIJS is bona fide. Although we disagree with the Policy Manual in certain instances, it is nonetheless crucial for advocates to be aware of its requirements when preparing SIJS cases.

### C. Increased Numbers of Young People Applying for SIJS

In the last few years, USCIS received almost double the number of SIJS petitions it had received previously.<sup>11</sup> It is possible that this increase has contributed to USCIS more strictly scrutinizing cases.

<sup>6</sup> Available at: <https://www.ilrc.org/risks-applying-special-immigrant-juvenile-status-sijs-affirmative-cases>.

<sup>7</sup> USCIS, Policy Memorandum, *Updated Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Deportable Aliens PM-602-0050.1* (June 28, 2018), <https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2018/2018-06-28-PM-602-0050.1-Guidance-for-Referral-of-Casesand-Issuance-of-NTA.pdf>. This guidance became effective for SIJS petitions and related adjustment applications on November 19, 2018. USCIS, *USCIS to Continue Implementing New Policy Memorandum on Notices to Appear* (Nov. 8, 2018), available at <https://www.uscis.gov/news/alerts/uscis-continue-implementing-new-policy-memorandum-notices-appear>.

<sup>8</sup> I-360, *Petition for Amerasian, Widow(er), or Special Immigrant*, USCIS, <https://www.uscis.gov/i-360> (last visited: Dec. 12, 2018).

<sup>9</sup> I-485, *Application to Register Permanent Residence or Adjust Status*, USCIS, <https://www.uscis.gov/i-485> (last visited: Dec. 12, 2018).

<sup>10</sup> USCIS, *Policy Alert: Special Immigrant Juvenile Classification and Special Immigrant-Based Adjustment of Status*, (Oct. 26, 2016), available at <https://www.uscis.gov/policymanual/Updates/20161026-SIJ-EB4Adjustment.pdf> (last visited: Dec. 12, 2018).

<sup>11</sup> In 2015, USCIS received 11,500 petitions; and in 2017, it received 20,914 petitions. By the end of June 2018, USCIS had already received 16,806 petitions. By comparison, USCIS received 1,646 petitions in all of 2010. USCIS, *Number of I-360 Petitions for Special Immigrant with a Classification of Special Immigrant Juvenile (SIJ) by Fiscal Year and Case Status April 1-June 30, 2017* (Oct. 30 2018), available at <https://www.uscis.gov/tools/reports-studies/immigration-forms-data/data-set-form-i-360-petition-special-immigrant-juveniles> (last visited: Dec. 12, 2018).

### III. Overview of RFEs and NOIDs in SIJS Cases

#### A. What is the standard of proof for SIJS petitions?

The petitioner carries the burden of proof to establish eligibility for SIJS by a **preponderance of the evidence**.<sup>12</sup> This means that the evidence must demonstrate that it is “more likely than not” that the petitioner satisfies the required elements,<sup>13</sup> and that “the applicant’s claim is ‘probably true.’”<sup>14</sup> “Even if [USCIS] has some doubt as to the truth, if the petitioner submits relevant, probative, and credible evidence that leads the director to believe that the claim is ‘more likely than not’ or ‘probably’ true, the applicant or petitioner has satisfied the standard of proof.”<sup>15</sup> The best evidence is not required.<sup>16</sup>

**Practice Tip:** *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010), is an important case for practitioners to know, as the Administrative Appeals Office (AAO) often cites this case in its SIJS decisions, RFEs, and NOIDs. The case contains particularly helpful language about the petitioner’s burden and can be used to the petitioner’s advantage. *Chawathe* supports the proposition that as long as one provides *sufficient* evidence of the custody order, the petitioner does not need to provide the *most* probative evidence of the custody order.

#### B. What evidence must a petitioner provide provide?

Per 8 C.F.R. § 103.2(a)(1), the petitioner must provide the initial evidence required by both the substantive regulation and the SIJS (Form I-360) instructions.<sup>17</sup> The Form I-360 explicitly requires that the petition be filed with:

1. A copy of the juvenile’s birth certificate or other evidence of his or her age;
2. A copy of the court or administrative documents that establishes eligibility, including the specific findings of fact or other relevant evidence, which establishes the findings.<sup>18</sup>
3. If the client is in the custody of the U.S. Department of Health and Human Services (HHS), the instructions state that HHS must provide written consent.

**Practice Tip:** Cite the applicable rules when responding to RFEs or NOIDs that request unnecessary documentation. For example, if USCIS is demanding a copy of a birth certificate, but the initial petition already included other evidence of the client’s age, you can cite to *both* the specific regulation *and* the form instructions to show that multiple instances make clear that “other evidence of his or her age” is sufficient, and a birth certificate is not required.

<sup>12</sup> See 8 C.F.R. § 103.2(b)(1) (“An applicant or petitioner must establish that he or she is eligible for the requested benefit at the time of filing the benefit requested and must continue to be eligible through adjudication”); see also *Matter of Introcaso*, 26 I&N Dec. 304, 307 (BIA 2014) (“The petitioner has the burden of establishing eligibility to file a visa petition”). Except where a different standard is specified by law, the standard in administrative immigration proceedings is a preponderance of the evidence. *Matter of Soo Hoo*, 11 I&N Dec. 151, 152 (cited in *Matter of Pagan*, 22 I&N Dec. 547, 548-49 (BIA 1999)) (“In visa petition proceedings, . . . [t]his burden is the ordinary one applicable in civil matters, i.e., a preponderance of the evidence”); see also *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

<sup>13</sup> *Matter of Dhanasar*, 26 I&N Dec. 884, 889, n.8 (BIA 2016) (“Under the ‘preponderance of the evidence’ standard, a petitioner must establish that he or she more likely than not satisfies the qualifying elements. . . . We will consider not only the quantity, but also the quality (including relevance, probative value, and credibility) of the evidence”) (internal citation omitted).

<sup>14</sup> *Chawathe*, 25 I&N Dec. at 376.

<sup>15</sup> *Id.* The preponderance of the evidence is a lower standard than the “clear and convincing” standard, which requires that the evidence show that a claim is “highly probable,” or “beyond a reasonable doubt.” See *Matter of E-M-*, 20 I&N Dec. 77, 80 (BIA 1989).

<sup>16</sup> See *Chawathe*, 25 I&N at 375 (noting that that as long as the evidence is sufficient to meet the preponderance of evidence standard, it does not matter that “the applicant *could have submitted more probative evidence*”).

<sup>17</sup> The initial evidence regulations explicitly include the form instructions within its text, so it is important to familiarize yourself with the I-360 instructions to understand the scope of initial evidence required. See *Instructions for Form I-360*, available at <https://www.uscis.gov/i-360>.

<sup>18</sup> *Id.*

If you do not submit the required initial evidence, the regulations state that USCIS has the discretion to deny the petition outright, or to request that the missing initial evidence be submitted within a certain period by issuing an RFE.<sup>19</sup>

The regulations state that if required evidence is unavailable, there is a presumption of ineligibility.<sup>20</sup> This does not mean, however, that the client cannot meet the requirements. The regulations go into a fair amount of detail about what to do in this instance, which may require submitting secondary evidence and/or sworn affidavits.<sup>21</sup>

### C. When is an RFE or NOID appropriate in SIJS cases?

Requests should be limited to when USCIS has reasonable doubt. The case law makes clear that RFEs and NOIDs cannot be sent out whenever USCIS wants; there must be an articulable concern about the evidence provided.<sup>22</sup> Also, the July 2018 Policy Memo states that an officer “should not request evidence that is outside the scope of the adjudication or otherwise irrelevant to an identified deficiency.”<sup>23</sup>

Notwithstanding the July 2018 Policy Memo, the Policy Manual provides that the default position of USCIS in SIJS cases is to issue RFEs or NOIDs when there is a concern, rather than outright denying petitions.<sup>24</sup> The Policy Manual also provides examples when additional evidence may be requested, which includes but is not limited to when:

- The record lacks the required dependency or custody, parental reunification, or best interest findings.
- It is unclear if the order was made by a juvenile court or in accordance with state law.
- The evidence provided does not establish a reasonable factual basis for the findings.
- The record contains evidence or information that directly and substantively conflicts with the evidence or information that was the basis for the court order.
- Additional evidence is needed to determine eligibility.<sup>25</sup>

**Practice Tip:** USCIS must adjudicate all initial SIJS petitions within 180 days after filing.<sup>26</sup> But RFEs and NOIDs affect that timeline. USCIS’s position is that the 180-day clock stops the day USCIS sends a request for additional evidence, and the clock resumes the day USCIS receives the requested evidence from the petitioner.<sup>27</sup>

<sup>19</sup> See 8 C.F.R. § 103.2(b)(8)(ii).

<sup>20</sup> 8 C.F.R. § 103.2(b)(1).

<sup>21</sup> See 8 C.F.R. § 103.2(b)(2)(ii). If a record does not exist, the petitioner must submit an original written statement on government letterhead that establishes that the record is not available. The statement needs to indicate why the statement does not exist, and indicate whether similar records for the time and place are available. But if the Department of State’s Foreign Affairs Manual states that this type of document generally does not exist, a certification from a foreign government is not required. If the petitioner has sought the required documents over multiple instances to no avail, the petitioner may submit evidence of these attempts.

<sup>22</sup> *Id.* at 376 (emphasis added) (“If the director can *articulate a material doubt*, it is appropriate for the director to either request additional evidence or, if that doubt leads the director to believe that the claim is probably not true, deny the application or petition”).

<sup>23</sup> July 2018 Policy Memo at 5.

<sup>24</sup> 6 USCIS-PM J.4(D) (emphasis added) (“Additional evidence may be requested at the discretion of the officer if needed to determine eligibility. [citing 8 C.F.R. 103.2(b)(8)] To provide petitioners an opportunity to address concerns before issuing a denial, officers *generally* issue [RFEs or NOIDs] where the evidence is insufficient to approve the petition”).

<sup>25</sup> *Id.*

<sup>26</sup> See Section 235(d)(2) of the Trafficking Victims Protection and Reauthorization Act of 2008 (TVPRA 2008), [Pub. L. 110-457](#), 122 Stat. 5044, 5080 (December 23, 2008). Note that the USCIS Policy Manual states that the 180-day timeframe applies only to the initial adjudication of the SIJ petition. See 6 USCIS-PM J.4(B) (“The requirement does not extend to the adjudication of any motion or appeal filed after a denial of a SIJ petition”).

<sup>27</sup> 6 USCIS-PM J.4(B) (citing 8 C.F.R. 103.2(b)(10)).

## D. What if USCIS wants to deny the petition based on derogatory information of which your client is unaware?

If USCIS wants to use derogatory information it obtained from a source outside of the petition—for example, from the Form I-213 created upon your client’s apprehension or from immigration applications submitted by or on behalf of your client—to deny the petition, then under the regulations USCIS must:

- 1) inform you of this information in its intent to deny,
- 2) provide sufficient information to respond; and
- 3) give the petitioner an opportunity to rebut or present different information.<sup>28</sup>

The regulation’s language suggests that the child must be unaware of the information to trigger USCIS’s duty.<sup>29</sup> But the July 2018 Policy Memo’s language is broader. It says that USCIS’s duty under the regulation is triggered when “the applicant, petitioner, or requestor is unaware that the information *is being considered*.”<sup>30</sup>

**Practice Tip:** USCIS’s position and agency decisions<sup>31</sup> indicate that USCIS simply needs to describe the derogatory information, rather than provide the petitioner with a copy of the underlying documents that allegedly contain conflicting or derogatory information. Nevertheless, it is important to demand a copy of the underlying documents and cite to 8 C.F.R. § 103.2(b)(16)(i).

## E. What must the RFE or NOID contain?

In the RFE or NOID, USCIS needs to specify: “the *type* of evidence required, and whether *initial evidence or additional evidence* is required, or the *bases for the proposed denial* sufficient to give the applicant or petitioner *adequate notice and sufficient information* to respond” (emphasis added). Advocates report that USCIS does not always indicate whether it seeks initial or additional evidence. If you find yourself in this situation, note in your response where USCIS has failed to follow the regulations.

Advocates report that they often receive multiple RFEs for the same issue, which is contrary to USCIS’s own policy. The July 2018 Policy Memo indicates that an RFE or NOID should include all of the additional evidence USCIS seeks in a *single* request.<sup>32</sup> When responding to multiple RFEs that USCIS should have consolidated, it is important to point out that USCIS is failing to follow its own policy.

## F. What are your options when USCIS issues an RFE or NOID?

RFEs and NOIDs have strict deadlines. An applicant has, at most, twelve weeks (or eighty-four days) to respond to an RFE, and thirty days to respond to a NOID.<sup>33</sup> Additional time to respond may not be granted.<sup>34</sup>

<sup>28</sup> See 8 C.F.R. § 103.2(b)(16)(i).

<sup>29</sup> *Id.*

<sup>30</sup> July 2018 Policy Memo, at 4 (emphasis added).

<sup>31</sup> See *In re: Payla*, No. A077 171 491, 2009 WL 3713183, at \*1 (BIA Oct. 23, 2009) (finding that the petitioner was afforded due process as the NOID received “apprised her of the derogatory evidence in the record and the potential grounds upon which the government would rely to deny the visa petition”); see also *Matter of Obaigbena*, 19 I&N Dec. 533, 537 (BIA 2015) (finding sufficient that “the notice of intention to deny the visa petition included extensive investigative findings and factual allegations”).

<sup>32</sup> Compare July 2018 Policy Memo, at 4 (“officers *should* include in a single RFE all the additional evidence they anticipate having to request”), with June 2013 Policy Memo, at 3 (“officers *must* include in a single RFE all the additional evidence they anticipate having to request”) (emphasis added).

<sup>33</sup> See 8 C.F.R. § 103.2(b)(8)(iv) (“The request for evidence or notice of intent to deny will indicate the deadline for response, but in no case shall the maximum response period provided in a request for evidence exceed twelve weeks, nor shall the maximum response time provided in a notice of intent to deny exceed thirty days.”). If the RFE is mailed to you, you have an additional three days to respond, for a total of eighty-seven days. If the NOID is mailed to you, you have an additional three days to respond for a total of thirty-three days.

<sup>34</sup> See 8 C.F.R. § 103.2(b)(8)(iv).

When USCIS issues an RFE or NOID, per 8 C.F.R. § 103.2(b)(11), a petitioner has three choices when responding: (1) submit a complete response with all of the requested information at one time; (2) submit a partial response and ask for a decision on the record; or (3) withdraw the benefit request.

A complete failure to respond to an RFE or NOID will result in a denial. Under 8 C.F.R. 103.2(b)(13), if a petitioner fails to respond, USCIS may: (1) summarily deny based on abandonment; (2) deny based on the information already in the record; or (3) both. USCIS cannot issue a default approval based on the record if the petitioner fails to respond to an RFE.

A petitioner may also choose not to respond to the RFE or NOID, or withdraw the I-360 altogether. If a petitioner decides to do this, it will not prevent them from filing a new benefit request at a later date. However, under 8 C.F.R. § 103.2(b)(15), the petitioner will: (1) lose the old priority date, and (2) “the facts and circumstances surrounding the prior benefit request shall otherwise be material to the new benefit request.” In other words, the slate is not wiped clean and the issues that arose during the first petition may come up again in the adjudication of any subsequent petitions.

## IV. Recommendations for Case Preparation to Avoid RFEs/NOIDs

### A. Review the July 13, 2018 USCIS Policy Memorandum

This practice advisory provides an overview of the changes set forth in the July 2018 Policy Memo, but practitioners must carefully read the memo to familiarize themselves with these changes. Before the July 2018 Policy Memo, USCIS’s policy was that it would issue an RFE or NOID unless there was “no possibility that additional information or explanation” could cure a deficiency.<sup>35</sup> This generally gave individuals an opportunity to prove their case rather than facing an outright denial. Even when little or no evidence was submitted, USCIS generally would issue a NOID rather than denying a case outright.<sup>36</sup>

Now under the July 2018 Policy Memo, effective for forms filed after September 11, 2018, USCIS “restores to the adjudicator full discretion to deny applications, petitions, and requests without first issuing an RFE or NOID.”<sup>37</sup> Because USCIS claims this change is meant to discourage “frivolous or substantially incomplete filings used as ‘placeholder’ filings,” it is important that advocates prepare a thorough original petition that includes all required evidence.<sup>38</sup> Nonetheless, the memo notes that this change in policy is “not intended to penalize filers for innocent mistakes or misunderstandings of evidentiary requirements.”<sup>39</sup>

USCIS offered the following two instances when it generally will not issue an RFE or NOID, and instead will issue an outright denial for applications, petitions, and requests filed after September 11, 2018:

1. “Statutory Denials” will be issued where there is no legal basis for the relief sought, or where the individual submits a request for a form of relief under a program that has been terminated.<sup>40</sup>
2. “Lack of Sufficient Initial Evidence” Denials will be issued when a statute, regulation, or form instructions require a particular document to be submitted, but the document is not included at the time of filing.<sup>41</sup> The policy memo notes, however, that certain instructions or regulations may allow the filing of a form before all the required initial

<sup>35</sup> See June 2013 Policy Memo, at 2.

<sup>36</sup> July 2018 Policy Memo, at 2.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 2-3. For example, USCIS stated that it would issue outright denials in the context of family-based petitions filed for family members under categories that are not authorized by statute.

<sup>41</sup> *Id.* at 3.



evidence is available, and this may restrict USCIS's authority to deny based solely on the submission of limited evidence.<sup>42</sup>

In addition to these changes, the policy memo emphasizes several regulations and policies:

- USCIS is supposed to include in a single RFE all the additional evidence they anticipate having to request.<sup>43</sup>
- An officer should not request evidence that is outside the scope of the adjudication or otherwise irrelevant to an identified deficiency.<sup>44</sup> But when a response to an RFE “opens up new lines of inquiry, a follow-up RFE might be warranted.”<sup>45</sup>
- All of the requested materials must be submitted at once, along with the original RFE or NOID. If only some of the requested evidence is submitted, USCIS “will consider this to be a request for a decision on the record.”<sup>46</sup> Failure to submit requested evidence that USCIS determines “precludes a material line of inquiry will be grounds for denying the request.”<sup>47</sup>

Finally, if an adverse decision is based on derogatory information and the individual does not know that the information is being considered, “generally the officer must advise the [individual] of this information and offer an opportunity for rebuttal before the decision is rendered.”<sup>48</sup>

The overall tenor of the July 2018 memo suggests that advocates should be especially careful to provide all required documentation in an initial filing. Thus, it is important to think about ways to secure an approval at the outset rather than risk an outright denial or an RFE or NOID.

## B. Anticipate Scenarios in which RFEs and NOIDs are Common

In recent years, USCIS has issued increased numbers of RFEs and NOIDs alleging the following:

- The state predicate order lacks sufficient evidence to show a factual basis for the findings.
- The state predicate order does not highlight the *state* law or statute upon which the determination was based, and instead cites to the Immigration and Nationality Act (INA).
- The state predicate order does not show whom the court considered the parents (if not listed on the birth certificate).
- The petition contains facts that conflict with information in the I-213, or “Record of Deportable-Inadmissible Alien.”<sup>49</sup>
- The predicate order is invalid because the child was over eighteen-years-old when the order/findings were issued.
- The petition should have been submitted along with a separate copy of state court custody order.

The common thread appears to be that USCIS is questioning whether the state court action was initiated primarily for an immigration benefit. In most of these scenarios, USCIS requests additional evidence from the state court file, or even the

<sup>42</sup> *Id.* For example, the Application to Register Permanent Residence or Adjust Status (I-485) instructions specifically state that a medical exam (Form I-693) is no longer a required document when initially submitting the adjustment application.

<sup>43</sup> *Id.* at 4, 5.

<sup>44</sup> *Id.* at 5 (noting revisions to the Adjudicator's Field Manual).

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*; see also 8 C.F.R. § 103.2(b)(11).

<sup>47</sup> July 2018 Policy Memo, at 4; see also 8 C.F.R. § 103.2(b)(14).

<sup>48</sup> July 2018 Policy Memo, at 4; see also 8 C.F.R. § 103.2(b)(16)(i).

<sup>49</sup> See Form I-213, Record of Deportable/Inadmissible Alien. At the time of arrest, DHS prepares Form I-213, which includes a summary of the information provided during the arrest interview. It sets forth information to support the individual's alleged alienage and removability from the United States, including the individual's biographic information, manner and date of entry to the United States, immigration record, criminal record, and any history of apprehension and detention by immigration authorities.

entire state court file. For the reasons listed below, this is very often an inappropriate action. That impropriety should shape how advocates respond to USCIS's requests.

**Below are tips to consider:**

1. Prepare the state court order with the statute, regulations, and Policy Manual requirements on hand.
2. Make sure to name the child's parents in the state court predicate order, if known.
3. Include citations to *state law* in the predicate order; do not cite to the INA.
4. Include a sufficient factual basis in the predicate order to support each of the state court's three findings.  
**Example: The following sample language supporting the finding that reunification is not viable with the child's parents illustrates the above tips.**

MINOR'S parents MOTHER'S NAME and FATHER'S NAME left her in the care of her paternal grandparents who neglected her and failed to provide for her basic needs. During the time MINOR lived with her grandparents, she was not enrolled in school. She was also forced to work in unsafe conditions beginning at the age of six. She was not provided adequate food or clothing and was often hungry and cold. Under California law, this constitutes neglect under Section 300(b) of the California Welfare & Institutions Code. Further, the parents have not provided any financial or emotional support to MINOR in the last eight years, and have made no effort to foster a parent-child relationship. Under California law, this constitutes abandonment under Section 300(g) of the California Welfare & Institutions Code.

5. Submit a background check and/or Freedom of Information Act (FOIA) request as early in the case as possible to obtain any information regarding eligibility issues or potentially "conflicting" evidence DHS may have regarding your client. This will help you become familiar with issues that may arise during the petition process.<sup>50</sup>

## V. Creating an RFE/NOID Response Strategy

When you receive an RFE or NOID, it is important to have clear goals and a strategy for how to respond. The six-part strategy laid out below is useful for all types of SIJS-based RFEs and NOIDs.

Before responding, meet with your client to discuss their goals. Below are several goals to keep in mind, which will vary case by case. Depending on the case, your goal may be one or more of the following:

- To obtain an approval, with careful attention to older and particularly vulnerable clients.
- To obtain a subsequent RFE, rather than a NOID, if an immediate approval is unlikely.
- To improve the record to set a strong foundation for an AAO or federal court appeal.
- To correct USCIS's improper practices.

<sup>50</sup> For more information and guidance on how to submit a FOIA request, see ILRC's *A Step-by-Step Guide to Completing FOIA Requests with DHS*, <https://www.ilrc.org/step-step-guide-completing-foia-requests-dhs>.



**STEP 1. Calendar the Response**

Carefully calendar the deadline, as there are different deadlines depending on whether you receive an RFE or a NOID.<sup>51</sup> An applicant has, at most, twelve weeks (or eighty-four days) to respond to an RFE, and thirty days to respond to a NOID.<sup>52</sup> USCIS will not issue a default approval if you just ignore the RFE or NOID.

Also, inform the client about the RFE or NOID, particularly if the client will receive a copy of the request in the mail. Informing the client will help lessen the client's anxiety or confusion about the implications of the document. You can inform the client that you will work together with them to respond in a timely manner to the RFE or NOID.

**STEP 2. Read the RFE or NOID Carefully**

Once you receive the request, review the RFE or NOID line by line. Make sure to look up all relevant regulations and governing law, and refer to the original I-360 petition packet. Read it carefully to make sure that you understand exactly what USCIS is requesting, and the rationale for the request.

**Practice Tip and Warning:** Double check to make sure that the governing law, USCIS Policy Manual, and evidence are correctly characterized. Many times the characterizations are not correct. If the RFE or NOID does not comply with USCIS's own substantive policies and the governing law, you can raise the discrepancy in the response, and consider bringing it to the attention of the USCIS Ombudsman (although the latter may take some time).<sup>53</sup>

**STEP 3. Review the Substantive Governing Law and Reach Out to Others to Strategize and Find Samples**

Carefully review the SIJS governing law and regulations, the USCIS Policy Manual, and relevant AAO and federal court decisions.<sup>54</sup> Additionally, reach out to colleagues to strategize about how to respond to the RFE or NOID, and obtain samples of successful responses.

**STEP 4. Assess the Evidence**

Think about (1) evidence already in the record; (2) evidence you have that is responsive to the RFE or NOID; and (3) evidence you could obtain that is responsive to the RFE or NOID. Regarding evidence you could obtain, consider whether you could request amended SIJS findings from the state court, or submit a declaration from yourself, the client, or a family member.

**STEP 5. Decide on Response Content**

You will want to be as thorough as possible with your response to an RFE or NOID to convince USCIS that your client merits a favorable decision. Nevertheless, there may be documents that USCIS requests that you cannot, or should not, submit, either because of time constraints in obtaining the documents, or strategy concerns, such as documents that may be irrelevant or even damaging to your clients down the road.

For each document you submit, think through its impact on the NBC's adjudication of the I-360, any potential appeal, and USCIS practices overall. Further, consider your **ethical obligations**. For example, while it is important to challenge

<sup>51</sup> If the deadline falls on a Saturday, make certain the materials are received by the Friday before the deadline to be sure that it is accepted in time. Advocates report that in some instances USCIS gives specific dates for deadlines in the RFE or NOID, as opposed to a number of days. If that date falls on a Saturday, make sure materials are delivered by the Friday before. USCIS may provide incorrect lengths of time. If USCIS inappropriately gave you more time than the regulations allow, email the National Benefits Center ([lockboxsupport@uscis.dhs](mailto:lockboxsupport@uscis.dhs)) to gain clarification.

<sup>52</sup> See 8 C.F.R. § 103.2(b)(8)(iv). If the RFE is mailed to you, you have an additional three days to respond, for a total of eighty-seven days. If the NOID is mailed to you, you have an additional three days to respond for a total of thirty-three days.

<sup>53</sup> USCIS, *Ombudsman – Case Assistance*, <https://www.dhs.gov/case-assistance>, (last visited: Dec. 12, 2018).

<sup>54</sup> As you are thinking of challenging the underlying principles in the USCIS substantive policies, review both published and unpublished AAO decisions, and federal Administrative Procedures Act (APA) decisions to make sure that you keep abreast with the most current governing law. For example, a North Carolina federal district court published a decision in March 2018 regarding the validity of temporary custody orders to satisfy the requirement for permanent custody orders, an issue that has been coming up in many RFEs and NOIDs. See *Perez v. Rodriguez*, 2018 WL 1187780 (W.D.N.C. Mar. 7, 2018) (affirming that a temporary custody order made by the state court does not qualify as the necessary juvenile court predicate order, and therefore does not suffice to establish the requisite findings for SIJS).

USCIS when it requests documents that are unnecessary or outside of the record of conviction, consider whether failing to provide improperly requested documents endangers the likelihood of your client obtaining SIJS.

### **STEP 6. Draft, Revise, and Submit the Response**

Make sure the response is well-organized, and follows all instructions. Do not shy away from correcting USCIS's misstatements of law and fact, or its improper procedures or premises where applicable. Underscore the standard of proof and explicitly show how you have satisfied your evidentiary burden with both the pre-existing and new evidence. Finally, remind USCIS of its 180-day adjudications deadline in the response.

If the RFE or NOID should be rescinded or clarified, consider reaching out to the NBC by email ([lockboxsupport@uscis.dhs](mailto:lockboxsupport@uscis.dhs)) and contacting the USCIS Ombudsman's office for assistance.

### **What to Do After You Have Submitted the Response**

After you have submitted the response, keep an eye out for a decision. During the waiting period, it may be helpful to develop a strategy in case the I-360 lurks outside the 180-day adjudications deadline. If there is a chance that the I-360 may be denied, take time after the submission to plan whether to pursue AAO and/or federal court appeals and to strategize back-up relief for your client. Also, collaborate with colleagues and share your redacted responses with others so they can benefit from sample responses, particularly successful ones!

## **VI. Recommended Arguments for Responding to Common Inappropriate RFEs/NOIDs**

### **A. USCIS Seeks Additional Reasonable Factual Basis for the State Court Order and State Court Documents**

USCIS has interpreted its consent function post-TVPR in adjudicating SIJS petitions to require that the "SIJ classification is bona fide, which means that the juvenile court order was sought to obtain relief from abuse, neglect, abandonment, or a similar basis under state law, and not primarily or solely to obtain an immigration benefit."<sup>55</sup> In order to make this determination, USCIS requires that the child provide a reasonable factual basis for the state court order, to demonstrate that the child did not seek the court order just to obtain an immigration benefit.<sup>56</sup> Recently, USCIS has begun issuing RFEs requesting additional factual information to support the reasonable factual basis for the state court order. Practitioners report that USCIS has also been issuing frequent RFEs requesting the underlying custody order issued by the juvenile court even though the SIJS findings should be sufficient. In some cases, USCIS has even requested the entire juvenile court file.

These RFEs are troubling because they indicate that USCIS is questioning the state court process, which is outside of its purview. If you receive an RFE that you feel is requesting inappropriate information in light of the different roles that the state court and USCIS are intended to play in the SIJS process, argue in your response to the RFE that it is neither appropriate under USCIS's own policy nor necessary for USCIS's adjudicatory process for the agency to request the documents underlying the state court petition when the child has already provided the factual basis for the state court order. In support of the argument that USCIS should not go behind the state court order, consider citing to the 2004 Yates Memorandum (which has been superseded by the USCIS Policy Manual but provides historical context),<sup>57</sup> the USCIS

<sup>55</sup> 6 USCIS-PM J.2(D)(5).

<sup>56</sup> *Id.* See also USCIS, *Memorandum: Response to Recommendation 47, Special Immigrant Juvenile (SIJ) Adjudications: An Opportunity for Adoption of Best Practices*, p. 4 (Jul. 13, 2011),

<https://www.uscis.gov/sites/default/files/USCIS/Resources/Ombudsman%20Liaison/Responses%20to%20Formal%20Recommendations/cisomb-2011-response47.pdf> [hereinafter *Scialabba Memorandum*]; USCIS, *Immigration Relief for Abused Children* (Apr. 2014),

[https://www.uscis.gov/sites/default/files/USCIS/Green%20Card/Green%20Card%20Through%20a%20Job/Immigration\\_Relief\\_for\\_Abused\\_Children-FINAL.pdf](https://www.uscis.gov/sites/default/files/USCIS/Green%20Card/Green%20Card%20Through%20a%20Job/Immigration_Relief_for_Abused_Children-FINAL.pdf).

<sup>57</sup> See USCIS, William R. Yates, *Interoffice Memorandum: Memorandum #3 – Regarding Field Guidance on Special Immigrant Juvenile Status Petitions*, HQADN 70/23 (May 27, 2004).

response to the 2011 Ombudsman Recommendation,<sup>58</sup> and the Policy Manual, which provides that USCIS “relies on the expertise of the juvenile court” and “does not reweigh the evidence.”<sup>59</sup>

You should also carefully evaluate whether there are any confidentiality laws that would prevent you from sharing the state court documents with USCIS, and if so, brief that issue in your cover letter responding to the RFE. Nonetheless, even if you have included legal arguments protesting the request for additional documents, you may determine that it is in your client’s interest to provide some limited, additional documentation from the state court proceedings—while of course complying with state confidentiality provisions and processes. This is a case-by-case determination that you will have to make in light of the specific facts of your client’s case. However, do keep in mind the desire not to “raise the bar” for how much factual evidence USCIS should expect in connection with SIJS petitions. For example, if you receive an RFE requesting the entire juvenile court file, you may consider providing only the original petition in state court or your client’s declaration from the state court proceedings to avoid setting an expectation that USCIS can expect to receive this in other cases.

## B. USCIS Relies on “Derogatory Information” from the I-213 or Other Documents

An RFE or NOID may rely on information from your client’s Record of Deportable-Inadmissible Alien (I-213), application for a visa to enter the United States, or other applications for relief. In addition, it is possible that USCIS may access and cite documents belonging to others, such as the client’s parents or siblings.

For example, USCIS may issue a NOID based on perceived inconsistencies between a child’s alleged statements on an I-213, and statements made within the SIJS petition. USCIS’s reliance on an I-213 is particularly problematic because information in I-213s is often provided by children under stressful situations and therefore can be incomplete or incorrect. Even when the I-213 is correct, its use is often inappropriate. In general, advocates are advised to challenge USCIS’s use of information from these other immigration records to support a NOID or RFE.

**Practice Tip:** Advocates are advised to submit a FOIA request early in the process of working on a SIJS petition to familiarize yourself with other documents USCIS has and may rely upon.<sup>60</sup>

### Did USCIS provide a copy of the conflicting immigration record?

If USCIS is relying on information from another immigration petition or application, it is the ILRC’s position that USCIS must provide a copy of that document with the RFE or NOID. However, as discussed previously, USCIS’s position and agency decisions<sup>61</sup> indicate that USCIS simply needs to describe the derogatory information, rather than provide the petitioner with a copy of the underlying documents that allegedly contain conflicting or derogatory information.

If you find yourself in this situation, immediately create a record of this deficiency. Request this document from the NBC by emailing them. Cite the relevant regulation to show that USCIS should provide the underlying document so that the petitioner can have sufficient information to respond, and incorporate federal case law in your circuit, if available, to support your position. Contacting the Ombudsman is another option, although this process is quite slow. It is not entirely clear whether USCIS will provide the underlying record if requested, but it is still critical to create a record of your request for a possible appeal.

<sup>58</sup> *Scialabba Memorandum*, *supra* note 56 at 4–5.

<sup>59</sup> 6 USCIS PM J.2(D)(5).

<sup>60</sup> For more information and guidance on how to submit a FOIA request, see ILRC’s *A Step-by-Step Guide to Completing FOIA Requests with DHS* (Nov. 17, 2017), available at <https://www.ilrc.org/step-step-guide-completing-foia-requests-dhs>.

<sup>61</sup> See *Payla*, 2009 WL 3713183, at \*1; see also *Obaigbena*, 19 I&N Dec. at 537.

## Fighting “Derogatory” Evidence with Other Evidence

Even if the RFE or NOID was improper, it is helpful to respond with a full slate of evidence to support an argument that there is no inconsistency, and an argument that USCIS’s reliance on this outside information is improper. Try to obtain additional evidence to explain any inconsistencies or to show that information contained in the requested records should not be relied upon. Perhaps you can submit a declaration from the child, an attorney declaration, or a therapist’s letter. Submitting additional evidence sets up the record in case an appeal may be necessary, and also helps create a basis for the agency to exercise prosecutorial discretion and not issue an NTA if the application is denied and the petitioner is not in lawful status or is otherwise removable.<sup>62</sup>

When drafting the response to contradict USCIS’s reliance on other immigration records, it may be helpful to address the following points:

- *Create a complete list of the evidence already in the petition in support of your argument, as well as additional evidence you are submitting in response to the RFE or NOID.*
- *Challenge USCIS’s portrayal of the evidence:*
  - If you *have a copy* of the underlying record, either because of a FOIA or because USCIS provided the document, challenge USCIS’s portrayal of the evidence.
  - If you *do not have a copy* of the underlying record, include an argument about USCIS’s failure to provide the document as required under the regulations.
- *Challenge the use of the outside immigration record (i.e., the I-213) at all.*
- *Challenge the idea that a child must disclose all information to a Customs and Border Protection (“CBP”) officer.* Children cannot be presumed capable of disclosing their entire history, particularly painful parts, to a uniformed CBP agent at a border detention facility where they are most often frightened, traumatized, and unrepresented. Nor should USCIS expect them to. It certainly would not in other contexts.<sup>63</sup> Experience bears out children’s difficulty at the border.<sup>64</sup> Thus with humanitarian, psychological, and legal justification, a child should not be faulted for failing to cry “abandonment” or “abuse” at the border. Further, given CBP’s lack of training in trauma-informed, child-sensitive interviewing, it is unlikely that CBP accurately captures children’s information during its interviews. In fact, in case after case, advocates are finding serious flaws in I-213s that undermine their reliability. Thus, information contained in I-213s should not be used to question a child’s credibility, nor to assert that, for example, where the child did not mention the abandonment, abuse, or neglect when initially being interviewed by CBP, this calls into question their motivation in later availing themselves of state court protection. USCIS itself recognizes the inherent weaknesses of I-213s in the SIJS context.<sup>65</sup>
- *Underscore the state court process, the strength of evidence there, and the merits of your client’s case.*

<sup>62</sup> USCIS, Policy Memorandum, *Updated Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Deportable Aliens PM-602-0050.1* (June 28, 2018), <https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2018/2018-06-28-PM-602-0050.1-Guidance-for-Referral-of-Casesand-Issuance-of-NTA.pdf>.

<sup>63</sup> See USCIS, Asylum Officer Basic Training Course, *Credible Fear, “Child Development”* at 256 (Nov. 30, 2015), available at [https://www.uscis.gov/sites/default/files/files/nativedocuments/Asylum\\_and\\_Female\\_Genital\\_Mutilation.pdf](https://www.uscis.gov/sites/default/files/files/nativedocuments/Asylum_and_Female_Genital_Mutilation.pdf) (last visited: Dec. 12, 2018) (“Child applicants will generally approach the interview and adjudication process from a child’s perspective, not as applicants for a legal status before a government official); see also *Li v. Ashcroft*, 378 F.3d 959, 962-63 (9th Cir. 2004) (the court “hesitate[s] to view statements given during airport interviews as valuable impeachment sources because of the conditions under which they are taken and because a newly-arriving alien cannot be expected to divulge every detail of the persecution he or she sustained.”).

<sup>64</sup> See Center for Gender and Refugee Studies et al., *Childhood and Migration in Central and North America* at 311-14 (2015), available at [https://cgrs.uchastings.edu/sites/default/files/Childhood\\_Migration\\_HumanRights\\_FullBook\\_English.pdf](https://cgrs.uchastings.edu/sites/default/files/Childhood_Migration_HumanRights_FullBook_English.pdf) (last visited: Dec. 12, 2018).

<sup>65</sup> 6 USCIS-PM J.3(B) (“Children often do not share personal accounts of their family life with an unknown adult until they have had the opportunity to form a trusting relationship with that adult. Therefore, officers exercise careful judgment when considering statements made by children at the time of initial apprehension by immigration or law enforcement officers to question the findings made by the juvenile court. Additionally, the juvenile court may make child welfare placement, custody, and best interest decisions that differ from the child’s stated intentions at the time of apprehension.”).

### C. USCIS Requests the Identity of an Absentee Parent

One of the required findings in the state court order is that reunification with one or both parents is not viable because of abuse, neglect, abandonment, or a similar basis under the relevant state child welfare laws. USCIS may request in an RFE or NOID the identity of an absentee parent. For example, USCIS may request the evidence the state court used to determine whether the father listed in the court order is in fact the father of the juvenile in question. The Policy Manual states that:

The [SIJ] findings must be based upon the person who is the petitioner’s parent under state law. If the juvenile court order *establishes* that the person is the petitioner’s parent, USCIS generally considers this requirement met. . . . However, if the record does not establish that the person is the petitioner’s parent, USCIS may request additional evidence.<sup>66</sup>

Note that state laws vary in how a “parent” is defined. Depending on the state, a parent may be a biological parent of a child, an adoptive parent, or other configurations that would make a person a parent aside from a biological connection with the child, such as a presumed parent, a man who has acknowledged paternity, an adjudicated father as the result of a judgment in a paternity action, or a person who consents to an assisted reproduction.

**Below are suggested arguments to make in this circumstance:**

1. *While the state court order does not mention the petitioner’s parents by name, the identity of the parents was made clear by the evidence submitted to the court.* Those pieces of evidence may include names included in a Petition for Guardianship, in a sworn declaration where the petitioner stated the names of their mother and father, and names on a birth certificate.
2. *The state court that issued the SIJS findings only requires a declaration by the child to identify the parents of the child.* Depending on the state, there are varied standards that govern the required evidence to establish the parents of the child. For example, in California, under California Code of Civil Procedure § 155(b)(1), the evidence needed to support judicial findings “may consist solely of, but is not limited to, a declaration by the child who is the subject of the petition” (emphasis added). Therefore, requiring additional evidence of parentage beyond what is required under state law is improper and excessive.
3. *There is no legal requirement that the state court formally establish the identity of a youth’s parents when making SIJS findings.* USCIS is not required to determine the parent’s identity. USCIS should approve the I-360 even absent a determination of the father’s identity because it is not required.
4. *Requiring the state court to determine the identity of the parent improperly interferes with the state court’s role and expertise in making SIJS findings.* USCIS may not “instruct[] juvenile courts on how to apply their own state law.”<sup>67</sup> Instead, USCIS “relies upon the expertise of the juvenile court.”<sup>68</sup>

### D. USCIS Takes Issue with Custody Orders for Youth Age 18 or Older

USCIS has recently adopted a new interpretation of the SIJS statute that is particularly troubling to youth who were between the ages of eighteen and twenty-one when the state court made its orders. USCIS now takes the position that a juvenile court cannot make a valid finding that reunification with a parent is not viable unless the juvenile court has the legal authority to reunify the child with their parents.<sup>69</sup> If a youth would otherwise be treated as an adult under state law, USCIS takes the position that a juvenile court could not then order the over-eighteen-year-old to reunify with their parents, in light of their status as an adult. On this basis, USCIS has denied SIJS petitions for youth who received guardianships in

<sup>66</sup> *Id.* at J.2(D)(2) (emphasis added).

<sup>67</sup> *Id.* at J.2(D)(5).

<sup>68</sup> *Matter of E-M-E-A-*, ID# 00097411, p. 2 (AAO Feb. 22, 2017).

<sup>69</sup> Hesson, Ted, *USCIS Explains Juvenile Visa Denials*, POLITICO, Apr. 25, 2018, <https://www.politico.com/newsletters/morning-shift/2018/04/25/travel-ban-at-scotus-182935>.

California and New York between the ages of eighteen and twenty-one. USCIS has also issued NOIDs for youth in dependency and delinquency proceedings in cases in which the state court made the SIJS findings after the youth turned eighteen.

Litigation is currently pending in federal court challenging the validity of USCIS's interpretation.<sup>70</sup> In October 2018, a federal district judge issued a California-wide injunction against this newly imposed requirement for immigrant children ages eighteen and older who had been unlawfully denied relief.<sup>71</sup> But the future of SIJS petitions for children who received their SIJS orders after their eighteenth birthday remains unclear. You should consult with an experienced SIJS practitioner if your client received the juvenile court order after their eighteenth birthday.

To respond to an RFE or NOID on these grounds, argue in your response that this new legal requirement is unfounded in the law and contrary to Congress's intent to allow youth to receive SIJS orders from a wide-range of juvenile courts until age twenty-one. In many NOIDs and RFEs, USCIS has cited to the outdated regulation requiring that a youth be found eligible for long-term foster care before SIJS findings are made. You should point out that the regulation has been superseded by the TVPRA of 2008, which eliminated the long-term foster care requirement, and that USCIS may not ignore the expansion of SIJS in the TVPRA. In some cases, you may also be able to argue that the juvenile court that issued your client's SIJS order *does* have the authority to reunify the child with their parents. If so, we recommend arguing that reunification is possible while still asserting that USCIS's requirement is unlawful.

## VII. Conclusion

Although the policy changes announced in the July 2018 Policy Memo have created an increasingly challenging context for filing SIJS petitions, SIJS remains a critical pathway to legal status for many immigrant children. With careful attention to these policy changes and the relevant regulations, advocates can still help children secure a more permanent future in the United States.

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<sup>70</sup> Complaint, *R.F.M. et al. v. Nielsen*, No. 18-CV-05068 (S.D.N.Y. June 7, 2018).

<sup>71</sup> See *J.L. v. Cissna*, No. 18-CV-04914-NC, 2018 WL 5306984 (N.D.Cal. Oct. 24, 2018).





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**About the Immigrant Legal Resource Center**

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC's mission is to protect and defend the fundamental rights of immigrant families and communities.