

KEY GOVERNMENT PLAYERS:

Federal and State Agencies Involved in Special Immigrant Juvenile Status (SIJS) Cases

Multiple government agencies are involved with children applying for SIJS. These agencies represent different government levels, departments and responsibilities. Although their decisions affect one another, these agencies may not necessarily cooperate, nor communicate.

To help clarify governmental structure and responsibility, we have listed below the key federal and state agencies impacting SIJS-applicant children, along with Internet links to relevant organizational charts.

A. FEDERAL LEVEL

- a. **Overall Federal Government Organizational Chart:** The following chart displays the broad structure of the Federal Government. Note under the Executive Branch the Department of Justice, Department of Health and Human Services and the Department of Homeland Security, each of which plays a role in the SIJS process for children in federal custody. <http://www.washlaw.edu/doclaw/orgchart/mainog.html>
- b. **Department of Justice (DOJ):** Within DOJ is the Executive Office for Immigration Review (EOIR – bottom right). EOIR is an administrative court interpreting civil immigration law, and thus is under the Department of Justice of the Executive Branch of the Federal Government, rather than the Judicial Branch of the Federal Government. <http://www.usdoj.gov/dojorg.htm>
 - i. **EOIR:** EOIR oversees the immigration courts, where children in removal proceedings have their court hearings, as well as the Board of Immigration Appeals (BIA), which reviews appeals of immigration court decisions. <http://www.usdoj.gov/jmd/mps/manual/eoir.htm>
- c. **Department of Health and Human Services (HHS):** Within HHS is the Assistant Secretary Administration for Children and Families (ACF – top middle). <http://www.hhs.gov/about/orgchart.html>
 - i. **ACF/ORR:** The ACF Assistant Secretary's duties include oversight of the Office of Refugee Resettlement (ORR – top middle). Since March 2003, ORR has held care and custody responsibility for unaccompanied children in federal custody for immigration violations. <http://www.acf.hhs.gov/orgs/opschart0903.html>
- d. **Department of Homeland Security (DHS):** With the dismantling of the former Immigration and Naturalization Service (INS) in 2003, Congress created the Department of Homeland Security. Within DHS are U.S. Citizenship and Immigration Services (USCIS or CIS – bottom left) and the U.S. Immigration and Customs Enforcement (USICE or ICE – bottom middle). http://www.dhs.gov/xabout/structure/editorial_0644.shtm

- i. **USCIS:** USCIS Field Operations Officers adjudicate the Special Immigrant application (form I-360), as well as the Adjustment of Status application (form I-485) for children whose immigration court proceedings have been terminated. The Administrative Appeals Office adjudicates appeals of decisions made by USCIS officers.
<http://www.uscis.gov/files/testimony/1USCIS%20OrgChart%20103006.pdf>
- ii. **USICE:** Under its Detention and Removal Operations division of USICE (middle left), the Juvenile and Family Residential Management Unit adjudicates requests for “specific consent,” which—if granted—allow a child in federal custody to seek dependency in a juvenile court. In addition, the office of the Principal Legal Advisor oversees the trial attorneys who represent the federal government’s interests in immigration court cases. [This chart requires Power Point.]
<http://www.ice.gov/doclib/about/organization/070313DHSOrgCharts.ppt> - [This chart is a PDF.] <http://www.shusterman.com/pdf/ice106.pdf>

B. STATE LEVEL

The dependency part of the SIJS process is adjudicated by state or local courts. The structure and name of these courts will vary from state to state, but they may be called juvenile, family, district, superior or circuit court. (Children in guardianship arrangements through probate court may also be eligible for SIJS.) Since these systems vary from state to state, we have listed below a few links to state government or state court organizational charts, as examples of state court structures.

- a. **All States:** This site has a very simple court organizational chart for each state, organized alphabetically:
<http://integrationsolutions.westlaw.com/aca/west/statecrtorg.htm>
The National Center for State Courts provides basic state court structure charts; click on the state in question: http://www.ncsconline.org/D_Research/Ct_Struct/Index.html
- b. **Arizona:** Juvenile matters are handled under the Superior Court of each county. This site provides an AZ judiciary organizational chart:
<http://www.supreme.state.az.us/ar2006/judorgchart.htm>
- c. **California:** Juvenile matters are handled under the Superior Court (sometimes called trial court) of each county, though juvenile court may be its own department within a county’s Superior Court. This Web page gives a general description of the CA state court system: <http://www.scservice.org/home/overview.htm>; and p. 7 of this document provides a chart of the California Judicial Branch:
http://www.courtinfo.ca.gov/reference/documents/factsheets/Calif_Judicial_Branch.pdf

