

2) reunification with one or both parents is not viable due to abuse, neglect, or abandonment or a similar basis found under state law; and

3) it would not be in the best interest of the juvenile to be returned to the juvenile or parents' previous country of nationality or country of last habitual residence.⁶

Q: What is the effect of my court making these predicate findings?

A: Conducting a hearing and making the predicate findings necessary to allow a UAC to file for Special Immigrant Juvenile Status establishes your court as the court of continuing jurisdiction with regard to the UAC,⁷ but it does not necessarily create a duty to oversee or conduct dependency hearings similar to those required in child welfare cases filed pursuant to Texas Family Code Title 5, Subtitle E. State court jurisdiction will remain in effect until Immigration and Citizenship Services decides the SIJS application or until the UAC turns 18.

According to federal law, Citizenship and Immigration Services must consent to the grant of SIJS classification, which involves a determination that the state court's order was sought primarily for protection from abuse, neglect or abandonment, rather than primarily to obtain an immigration benefit.⁸ Court orders should include the factual basis for the findings on parental reunification, dependency/custody, and best interests.⁹

Q: How can I help?

A: The Office of Court Administration (OCA) has created a form to collect information on the number of cases appearing on Texas court dockets and in which jurisdictions. Please inform OCA when cases involving UAC appear on your docket outside of your CPS cases; it would be extremely helpful as it helps our state allocate judicial resources. Please link to the form here: <http://www.txcourts.gov/oca/pdf/Report-Form.pdf>. Instructions for completing and submitting the form are included on the form. You can also access additional resources on the Children's Commission website by linking here: <http://texaschildrenscommission.gov/unaccompanied-minor-information-and-resources.aspx>

⁶ 8 U.S.C. § 1101(a)(27)(J); 8 C.F.R. § 204.11.

⁷ Tex. Family Code § 155.001(a).

⁸ See H.R. Rep. No. 105-405, at 130 (1997), available at <http://www.gpo.gov/fdsys/pkg/CRPT-105hrpt405/pdf/CRPT-105hrpt405.pdf> (requiring the Attorney General to determine that neither the dependency order nor the administrative or judicial determination of the alien's best interest was sought primarily for the purpose of obtaining the status of an alien lawfully admitted for permanent residence, rather than for the purpose of obtaining relief from abuse or neglect) (last visited July 21, 2014); See also, Proposed Rules 76 Federal Register 54978, 54981, <http://www.gpo.gov/fdsys/pkg/FR-2011-09-06/pdf/FR-2011-09-06.pdf> (last visited July 21, 2014); U.S. Citizenship and Immigration Services, *Special Immigrant Juvenile Status: Information for Juvenile Courts*, available at http://www.uscis.gov/sites/default/files/USCIS/Green%20Card/Green%20Card%20Through%20a%20Job/Information_for_Juvenile_Courts_FINAL.pdf ("for a child to be eligible for SIJ status, USCIS must determine that the juvenile court order was sought primarily to obtain relief from abuse, neglect or abandonment, rather than primarily to obtain an immigration benefit") (last visited July 21, 2014).

⁹ *Id.*