

# **The Foster Children Opportunity Act, H.R. 6649**

Introduced by Congressmen Pete Stark and Xavier Becerra

---

As a group, former foster children fare worse than nearly any other group of individuals: they have higher rates of mental illness, unemployment, and homelessness. The federal government has a responsibility to ensure that abused and neglected children are given every opportunity to succeed. Tragically, many abused and neglected immigrant children age out of the foster care system or are adopted without having obtained legal immigrant status to which they are entitled to under current law. Once out of the child welfare system they may lose their one and only opportunity to gain legal status and become productive adults.

Under current law, abused and neglected immigrant children in the child welfare system are eligible to become legal permanent residents under the Special Immigrant Juvenile Status (SIJS) provisions of immigration law. In order to obtain SIJS, a court must find that the child is in long-term foster care with no opportunity for family reunification (either in the U.S. or in their home country). If a child also meets additional immigration criteria, such as not having a criminal record, they can become a Legal Permanent Resident. Once a child turns 18, however, and is not in the child welfare system, they are no longer eligible for SIJS. A series of articles in the Los Angeles Times and other reports have documented how children have aged-out of foster care or been adopted without obtaining SIJS. The result is that these abused and neglected children are forced into the underground economy and are under the constant threat of deportation back to a country that is unfamiliar to them and may be home to their abuser.

The Foster Children Opportunity Act aims to correct this terrible situation by requiring that all children in the foster care system be screened for SIJS eligibility and assisted with going through the legal process to obtain SIJS and eventually Legal Permanent Resident Status. The bill will provide technical assistance to help child welfare agencies better understand this problem and provide resources to train judges, attorneys, and other legal workers in a complex area of law.

This legislation will not change any aspect of current immigration law, nor will it result in any adults who have engaged in illegal behavior from gaining legal status. The bill simply aims to protect abused and neglected children by ensuring they have a fighting chance at leading healthy and productive lives when they exit foster care.

## **The Foster Children Opportunity Act will:**

- Require State plans for foster care and adoption assistance to document procedures to assist immigrant children in obtaining SIJS, Legal Permanent Residency, or other appropriate forms of immigration relief when doing so is in the child's best interest.
- Require child welfare agencies to assist immigrant children, and document their efforts, in obtaining SIJS, Legal Permanent Residency, or other appropriate forms of relief under immigration law before the child exits foster care;
- Require juvenile courts and child welfare agencies to determine whether filing petitions or appointing immigration counsel for a potentially SIJS eligible child is in that child's best interest;
- Permit the Court Improvement Program to use funds to educate and train judges and lawyers to assist SIJS-eligible foster children;
- Direct the Secretary of the Health and Human Services Agency, in consultation with the Secretary of Homeland Security, to provide technical assistance to child welfare agencies in carrying out the provisions of this bill.