

WASHINGTON, D.C. — Yesterday, Representatives Xavier Becerra (CA-31), Assistant to the Speaker of the House and Pete Stark (CA-13), Chairman of the Ways and Means Health Subcommittee introduced [H.R. 6649](#) the “Foster Children Opportunity Act.” This legislation would ensure abused and neglected immigrant children in our nation’s foster care system are able to take advantage of the law that allows them to adjust their immigration status. Although almost a thousand abused or neglected immigrant children receive legal residency under federal law every year, many more children who are eligible to adjust their status to lawful permanent residency leave foster care as undocumented immigrants simply because foster care officials are unaware of their immigration status.

“Foster children are already one of the most vulnerable groups in our society,” Rep. Becerra said. “After enduring so much pain and uncertainty as children, the least we can do is make sure that they receive the legal status for which they are already eligible. This bill gives a much needed helping hand to foster children and parents in sorting out immigration status.”

Certain undocumented children in the foster care system, who have been abused or neglected, are eligible to become legal permanent residents under the Special Immigrant Juvenile Status (SIJS) provisions of existing immigration law. In order to obtain legal residency under SIJS, a child must be under 21 years of age and under the jurisdiction of a juvenile court, unmarried, have been abused, abandoned, or neglected, have no opportunity for family reunification, and meet additional criteria such as not having a criminal record.

Once a child turns 21 or is adopted that child is no longer eligible to adjust their status under SIJS. If SIJS is not obtained, youth face the threat of deportation, cannot work legally, and are vulnerable to exploitation.

“We must provide all foster children with every possible opportunity to succeed,” Rep. Stark said. “This legislation will help thousands of abused and neglected children leave foster care with a fighting chance of becoming productive and healthy adults. The status quo of allowing children to leave care as illegal immigrants is unacceptable.”

The Foster Children Opportunity Act seeks to prevent these children from missing their opportunity to regularize their immigration status by:

BECERRA & STARK INTRODUCE BILL TO PROTECT IMMIGRANT FOSTER CHILDREN

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- Requiring states to screen all children in the foster care system for eligibility under SIJS.
- Requiring child welfare agencies to assist immigrant children in obtaining legal permanent residency under SIJS, or other appropriate provisions of immigration law.
- Requiring juvenile courts and child welfare agencies to determine if it is in a child's interest to file petitions or appoint immigration counsel.
- Permitting Court Improvement Program funds to be used to train judges and lawyers to assist SIJS-eligible foster children.
- Providing technical assistance to child welfare agencies in carrying out the provisions of this bill through the Health and Human Services agency.

This bill would not change any aspect of immigration law.

[Click here](#) to read the text of the legislation.

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