

DC VOLUNTEER LAWYERS PROJECT

A voice for victims and children in the DC metro area since 2008

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**Testimony of Robyn Swanson, Supervising Attorney
DC Volunteer Lawyers Project
Before the Committee on Judiciary & Public Safety
Council of the District of Columbia
B25-44: Vulnerable Youth Guardianship Protection Act of 2023**

Thank you to the Committee for the opportunity to provide testimony today in support of the Vulnerable Youth Guardianship Protection Act of 2023. My name is Robyn Swanson, and I am a Supervising Attorney at the DC Volunteer Lawyers Project. DCVLP believes that a life free from violence and abuse is a basic human right. Our mission is to advocate for low-income survivors of domestic violence, at-risk children, and other vulnerable individuals through comprehensive *pro bono* legal services; to empower victims with knowledge, resources and on-going support; and to broaden our impact by engaging, training, and supporting a strong and diverse network of volunteer lawyers and community volunteers. In 2022, our attorneys, with the support of our network of volunteer lawyers, provided free, comprehensive legal services to over 1800 survivors of gender-based violence and at-risk children.

DCVLP's immigration program works with survivors of gender-based violence and at-risk children seeking humanitarian relief through the asylum process, U-Visas, T-Visas, under VAWA, and through Special Immigrant Juvenile Status, also known as SIJS. Last year, we provided full legal representation to over 140 immigrants. We also provided brief legal consultations to approximately 280 immigrants through the free walk-in clinics we operate throughout the city.

I'm here today to talk to you about some of the at-risk youth we encounter through our immigration program. As you know, SIJS is a humanitarian immigration benefit that provides a path to legal status for abused, abandoned, or neglected immigrant youth. Under U.S. immigration law (8 CFR 204.11), a young person is eligible to seek this status if they are under 21 years old and unmarried, are physically present in the United States, and have obtained findings from a juvenile court determining that they cannot be reunited with their parent(s) due to abuse, abandonment, or neglect.

The first step in applying for SIJS is to obtain a prerequisite finding from a juvenile court. Critically, at this time, with certain limited exceptions, DC Superior Court does not have jurisdiction over youth between the ages of 18 and 21. This means that, just because they live in DC, otherwise eligible youth between the ages of 18 and 21 cannot access the protection that special immigrant juvenile status was intended to afford them.

In our experience, the process for obtaining SIJS is faster and less traumatizing for our young clients than seeking relief through the traditional asylum process. In DC, it generally takes six months for applicants to obtain the necessary findings from a juvenile court, then another 1.5 years for USCIS to process their application. Once granted, SIJS provides work authorization, a

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pathway to seek legal permanent residency (a green card) and U.S. citizenship, and allows youth to access additional federal benefits and services like healthcare, financial aid, and the ability to terminate deportation proceedings. By contrast, the asylum process can take up to 10 years and involves an intensive interview or court hearing during which applicants are forced to recount their often traumatic history, which can compound their existing trauma.

DCVLP regularly encounters immigrants in our clinic who have just aged out of this benefit. Many of the young people we encounter in our clinics were abandoned, abused, or neglected by a parent. Many lack the access, education, and language skills to learn about immigration relief for which they may be eligible. Simply because they live in DC, rather than Maryland or Virginia, they are precluded from seeking special immigrant juvenile status. In one case, we had a potential client come to us 3 days before their 18th birthday, not enough time to seek the necessary findings from the juvenile court. It was heartbreaking to give them the news that they had lost out on this benefit due to their age and the fact that they lived in DC. In another case, a client's twin siblings fled to the U.S. to escape gang violence and to find treatment for a physical disability. Unfortunately, they entered the country just one week before their 18th birthday, and there was no time to go through the SIJS process in D.C. Superior court.

DCVLP urges the council to pass the Vulnerable Youth Guardianship Protection Act of 2023. Passing the bill will align DC law with the state law of our neighbors, Maryland and Virginia, and with existing federal law, to increase access to immigration relief through SIJS to vulnerable immigrant youth in our city between the ages of 18 and 21. With access to lawful status through SIJS, eligible young DC residents will be able to pursue higher education, qualify for certain federal benefits, seek employment in the District, and afford to live in and remain active members of our community.

Thank you for the opportunity to present this testimony, and thank you for your ongoing commitment to vulnerable children and the immigrant community here in DC.

/s/Robyn Swanson

Robyn Swanson

Supervising Attorney

DC Volunteer Lawyers Project