



FOSTER CHILDREN OPPORTUNITY ACT

Guaranteeing a Bright Future for Foster Youth

July 2013

WHAT IS THE FOSTER CHILDREN OPPORTUNITY ACT?

The Foster Children Opportunity Act (H.R. 2036) introduced by Congressman Beto O'Rourke amends Title IV of the Social Security Act in order to require states to screen all undocumented immigrant children currently in the child welfare system for eligibility for Special Immigrant Juvenile Status (SIJS). SIJS allows undocumented children who are under 21 years old and unmarried to remain in the United States legally, as well as work and be eligible for financial aid and in-state tuition for college. After five years, they may also apply for U.S. citizenship.

UNDOCUMENTED FOSTER YOUTH – A PERMANENT UNDERCLASS

Currently, undocumented immigrant foster youth in the United States have limited opportunities upon aging out of foster care. Once they leave the child welfare system without SIJS, they are unable to legally work, drive, obtain public benefits or in-state tuition, and are in constant danger of deportation. Although Congress passed legislation in 2008 that expanded SIJS eligibility requirements to include these children, many child welfare and court officials are unaware that SIJS is an option. Many children are therefore aging out of the system without it and losing out on their only chance to gain legal status.

HOW THE FOSTER CHILDREN OPPORTUNITY ACT WORKS

The Foster Children Opportunity Act would require child welfare systems to screen undocumented immigrant foster youth to determine their eligibility for SIJS and other immigration relief options and put in place processes for children to receive this status. The bill includes the following provisions:

1. Require the child welfare system in each state to document the steps they are taking to screen undocumented children for SIJS before children age out of the system. This includes holding a hearing to examine whether a petition for SIJS has been filed for the child and if not, whether it is in the child's best interests to do so. Factors for this determination include potential effects of SIJS on family reunification efforts and whether it is best for the child to return to their home country, or to that of their parent's.
2. Allow the Court Improvement Program to educate and train social workers, judges, lawyers, and court staff to help children in applying for SIJS and any other immigration relief options that might be available.
3. Allow the Secretary of the U.S. Department of Health and Human Services, in consultation with the Department of Homeland Security and the Secretary of State, to provide technical assistance to state child welfare agencies who request it. These agencies may also award grants and enter in contracts to allow qualified non-profits and community-based organizations to offer technical assistance.
4. Allow for the state to obtain reimbursement under Title IV-E of the Social Security Act for the foster care costs of a child once the child obtains SIJS status.
5. Exempts children who receive SIJS from the 5 year ban placed on receiving Federal means-tested public benefits.

SPECIAL IMMIGRANT JUVENILE STATUS: OPPORTUNITY FOR A BRIGHT FUTURE

If undocumented children age out of the child welfare system without obtaining SIJS, they are resigned to life as part of a permanent underclass. If prohibited to legally work, obtain a driver's license, or to receive financial aid for college, they are unable to gain the skills needed to support themselves and contribute to our economy. If deported, they are often sent to a country where they do not know the language and lack any family connections. America stands to benefit if these children have the opportunity for a bright future so that they may reach their full potential.