



Milbank

## Immigration Advocacy Coalition Releases Report: ‘Any Day They Could Deport Me’: Over 44,000 Immigrant Children Trapped in the SIJS Backlog

Contact: Ada Oni-Eseleh, Infinite Global; +1.646.685.8075; [AdaOE@infiniteglobal.com](mailto:AdaOE@infiniteglobal.com)

Contact: Jocelyn De Carvalho, Milbank; +1.212.530.5509; [jdecarvalho@milbank.com](mailto:jdecarvalho@milbank.com)

**New York, December 2, 2021** — [The End SIJS Backlog Coalition](#), a national group of directly impacted youth and allied advocates, and [The Door](#), a not-for-profit organization that provides comprehensive youth development services, today released “‘Any Day They Could Deport Me’: Over 44,000 Immigrant Children Trapped in the SIJS Backlog,” a report illustrating the harms of the Special Immigrant Juvenile Status (SIJS) backlog on directly impacted children, child welfare agencies, legal service providers, and immigration agencies and the courts. This marks the first time that United States Citizenship and Immigration Services (USCIS) data on the SIJS backlog, presented and analyzed in the report, has been made available to the public.

SIJS was created to allow abandoned, abused and neglected immigrant children to seek lawful permanent residence in the form of a “green card” and eventual citizenship. In 2016, a backlog emerged, whereby children from certain countries were forced to wait years to apply for green cards after being granted SIJS, while other children could seek green cards immediately. Currently children from El Salvador, Guatemala, Honduras and Mexico are forced to wait two to five years to apply for green cards.

“There are tens of thousands of vulnerable immigrant youth in the backlog who need permanent security,” said Rachel Davidson, co-author of the report and Managing Attorney for Policy & Special Projects at The Door. “The USCIS data and the harms described in this report have shown us the urgency for Congress and the Biden administration to act to end the SIJS backlog. If Congress and the administration continue to wait without action, they are only putting more children at risk.”

The newly released report includes an analysis of nearly 140,000 SIJS petitions and 26,000 SIJS-based green card applications, analyzed by the [Migration Policy Institute](#) and obtained by the Door and the Coalition from a lawsuit against USCIS under the Freedom of Information Act with pro bono counsel [Milbank LLP](#).

The report found that SIJS backlog grew to more than 63,000 youth by April 2020, and more than 44,000 children from El Salvador, Guatemala, Honduras and Mexico remain in the backlog as of April 2021.

Children in the backlog also wait twice as long as other children to receive their green cards. In fiscal year 2020 through 2021, children waited for more than four years on average from applying for SIJS to receiving a green card.

While in the backlog, children are faced with vulnerability to deportation, an inability to work lawfully and at times lack of access medical care or higher education, forcing them to make difficult decisions to survive, such as dropping out of school or working for exploitative employers, as well as struggling with hunger and homelessness. Many of the children suffered trauma in their country of origin and in their journey to the U.S., and the harms experienced in the backlog further strain SIJS children's mental health.

Laila Hlass, co-author of the report and professor of practice and co-director of the Immigrant Rights Clinic at Tulane Law School, added: "Special Immigrant Juvenile Status is an incredibly unique part of immigration law, created specifically to protect and support children as they transition into adulthood. Yet the backlog completely undermines SIJS' purpose by leaving children in a legal purgatory, vulnerable to exploitation and unable to pursue their dreams."

The report also shows the unnecessary burden of SIJS backlog cases on the immigration court system and on legal service providers. Ninety-two percent of Honduran SIJS children who applied for green cards in or after May 2016 were in immigration court deportation proceedings, compared to only 27% of SIJS children from non-backlogged countries. Access to representation for immigrant youth was severely impacted, with providers' capacity strained due to the added resources needed to represent children in the backlog and law firms' hesitancy to work on SIJS cases from backlogged countries due to extended case length times. The SIJS Backlog strains the resources of state and local child welfare agencies across the U.S. as they bear the costs of the continued care of immigrant foster children in the backlog.

In addition to presenting new and recently analyzed data, the report also highlights first-hand peer interviews of impacted youth and provides key recommendations from the Coalition on the backlog, including a recommendation for Congress to end the SIJS backlog by amending the Immigration and Nationality Act to exempt SIJS children from visa limitations that are the cause of the backlog and specific administrative actions that the Biden administration, the Department of Homeland Security, and the Department of Justice should implement.

Represented by Milbank, the Coalition and The Door are in continued discussions with USCIS for SIJS data from April 2021 to present, information on the number of SIJS petitioners in removal proceedings, as well as other missing information from the original data set.

Milbank partner Aaron Renenger added, "We will continue to support our clients in the fight to hold the United States Citizenship and Immigration Services accountable with data transparency. The initial SIJS information made available by this report is one step in the right direction as we continue to navigate this critical issue that dramatically affects vulnerable immigrant youth."

###

---

## **About The Door**

The Door is an unparalleled model for youth development, offering a comprehensive range of integrated services for nearly 11,000 New York City youth annually. At The Door, youth can access health care and education, mental health counseling and crisis assistance, legal assistance, high school equivalency and college preparation services, career development, housing supports, arts, sports and recreational activities, and nutritious meals – all for free and under one roof.

The Door's Legal Services Center provides legal and case management services to youth in need of immigration and other civil legal assistance. The Door handles upwards of 2,500 immigration cases per year, and has particular expertise in representing immigrants seeking SIJS status.

Learn more at [www.door.org](http://www.door.org) and follow us on [Twitter](#), [Instagram](#) and [LinkedIn](#).

### **About the End SIJS Backlog Coalition**

The End SIJS Backlog Coalition is a national group of directly impacted youth and over 70 allied advocate organizations across the country, working to educate Congress, relevant administrative agencies and the public about the harmful impacts of visa caps on vulnerable immigrant children, and to advocate for an end to the backlog. The coalition aims to center the voices and experiences of SIJS backlog impacted youth, whose stories are the heartbeat of our work and best illustrate how ending the backlog can restore the purpose of the statute – realizing permanent legal protection in the United States for immigrant children who have survived abuse, abandonment and neglect. Learn more at [www.sijsbacklog.com](http://www.sijsbacklog.com) and follow us on [Twitter](#).

### **About Milbank**

Milbank LLP is a leading international law firm that provides innovative legal services to clients around the world. Founded in New York over 150 years ago, Milbank has offices in Beijing, Frankfurt, Hong Kong, London, Los Angeles, Munich, New York, São Paulo, Seoul, Singapore, Tokyo and Washington, DC. Milbank's lawyers collaborate across practices and offices to help the world's leading commercial, financial and industrial enterprises, as well as institutions, individuals and governments, achieve their strategic objectives. To learn more about Milbank, please visit [www.milbank.com](http://www.milbank.com) and follow us on [LinkedIn](#), [Twitter](#) and [Instagram](#).