

BILL ANALYSIS

Senate Research Center
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S.B. 1583
By: Ellis
Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Immigration and Nationality Act recognizes that some children flee their home due to prior abuse, abandonment, or neglect and seek refuge in the United States without documentation. There is a visa, Special Immigrant Juvenile (SIJ), which provides these children with immigration relief. A child may qualify if a state court determines that the child has been abused, abandoned, or neglected; cannot be reunited with his or her parents; and that returning to the child's home country is not in the child's best interest. The child (or the child's representative) must file suit in state court in order for the court to determine the above three requirements for the SIJ visa.

Federal law defines a child as someone who is unmarried and under 21 years of age. However, Texas law defines a child as someone who is unmarried and under 18 years of age. S.B. 1583 extends the age of a "child" to 21 years of age, only for the purposes of applying for a SIJ visa. It extends the court's jurisdiction over the child until the earliest of the child's 21st birthday; the date the child is granted lawful permanent residence status; the date an appeal of the denial of an application for permanent residency based on a petition for special immigrant status is denied; or if an appeal is not filed, the day after the last day to file an appeal of the denial.

It also directs that all cases in the central registry in the Department of Family and Child Services that are also categorized as "undetermined immigration status" be referred to case workers who have experience with SIJ visas.

As proposed, S.B. 1583 amends current law relating to extending the court's jurisdiction in a suit affecting the parent-child relationship over certain young people for purposes of obtaining special immigrant juvenile status and Department of Family and Protective Services policies for handling cases involving those young people.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 4 (Section 40.0529, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 101.003, Family Code, by adding Subsection (b-1), as follows:

(b-1) Defines "child" and "minor" in the context of applying for a court order relating to the special immigrant juvenile status of a person under Section 1101(a)(27)(J) of the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.).

SECTION 2. Amends Chapter 102, Family Code, by adding Section 102.0115, as follows:

Sec. 102.0115. JURISDICTION IN CASES INVOLVING SPECIAL IMMIGRANT JUVENILE STATUS. Provides that the court has jurisdiction over a person with respect to issues relating to the person's special immigrant juvenile status if the person has filed an application with the appropriate federal authority seeking special immigrant juvenile

status as defined by Section 1101(a)(27)(J) of the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) for the person.

SECTION 3. Amends Subchapter A, Chapter 155, Family Code, by adding Section 155.006, as follows:

Sec. 155.006. EXTENDED JURISDICTION. (a) Authorizes the court, if an application seeking special immigrant juvenile status as defined by Section 1101(a)(27)(J) of the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) has been filed with the appropriate federal authority on behalf of a child over whom the court has continuing, exclusive jurisdiction, to extend the court's jurisdiction over the child after the child's 18th birthday until the earliest of:

- (1) the child's 21st birthday;
- (2) the date the child is granted lawful permanent resident status;
- (3) the date an appeal of the denial of an application for permanent residency based on a petition for special immigrant juvenile status is denied; or
- (4) if an appeal described by Subdivision (3) is not filed, the day after the last day to file an appeal of the denial of an application for permanent residency based on a petition for special immigrant juvenile status.

(b) Provides that the court's jurisdiction under this section is limited to issues relating to the child's special immigrant juvenile status.

SECTION 4. Amends Subchapter C, Chapter 40, Human Resources Code, by adding Section 40.0529, as follows:

Sec. 40.0529. CASES INVOLVING IMMIGRANT CHILDREN. (a) Requires the Department of Family and Protective Services to ensure that all cases in which the child is categorized as having an undetermined immigration status in the central registry of reported cases of child abuse or neglect established under Section 261.002 (Central Registry), Family Code, are assigned to caseworkers who have experience preparing applications for special immigrant juvenile status and legal permanent resident status.

(b) Requires the executive commissioner of the Health and Human Services Commission to adopt rules that prohibit caseworkers from seeking a waiver from any fees associated with completing and filing an application for legal permanent resident status.

SECTION 5. Effective date: September 1, 2013.