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Dean Logan's Blog

RWU Immigration Clinic Goes to Family Court on Behalf of Abused, Abandoned, or Neglected Noncitizen Children

Posted by David Logan on 09/13/2011 at 08:48 AM



Prior to the 2010-11 academic year, students enrolled in the RWU Immigration Clinic focused on federal law, representing noncitizens in removal proceedings in the Boston Immigration Court and those who sought legal status before the U.S. Citizenship and Immigration Services Office in Rhode Island. But thanks to the innovative leadership of [Professor Mary Holper](#), who directs the clinic, our students are adding expertise in state law to their repertoire.

In March of 2010, clinic students began to represent undocumented children. Some had been subjected to physical abuse; others were abandoned; others were neglected by parents who permitted them to make the dangerous journey to the U.S. alone. Most of them were living with family members or friends in Rhode Island. These children were eligible for special immigrant juvenile status, which would enable them to seek permanent residency (also known as a “green card”). In order to seek this special status, a state court must find that the child is dependent on the court or an individual appointed by the court, reunification with one or both of the child’s parents is not viable due to abuse, abandonment or neglect, and it is not in the child’s best interests to return to his or her country of origin.

In Rhode Island, obtaining these findings turned out to be a complicated process. Clinic students first represented the child’s guardian in obtaining guardianship in municipal probate courts. Then, they filed

miscellaneous petitions for findings of fact in the Rhode Island Family Court. These miscellaneous petitions for findings of abuse, abandonment, or neglect were the first such petitions ever filed in Rhode Island. While the RI Department of Youth, Children and Families (DCYF) had obtained such findings in past cases, clinic students wanted to avoid placing their clients in foster care in order to obtain the findings (nor was foster care appropriate, since their clients' current living situations were safe). All of the petitions proved successful, and today, some of these young people have green cards, while others are on the way. Many will be applying to college, pursuing the American dream that a green card provides.

Prof. Holper had assistance from practitioners in guiding the students through the complex jurisdictional maze, and was especially appreciative of the help she and the students received from RWU Law alum [Debbie Gonzalez \('07\)](#), who proposed using a miscellaneous petition for this type of finding in Family Court, brainstormed about challenges to using this type of petition, and ushered them through the process. The clinic students learned valuable lessons, like thinking outside of the box, collaboration with other attorneys, and braving the territory of new courts to help clients achieve their goals.

Way to go Mary!