

## Foster Youth Transition Program (FYTP) Checklist for Non-citizen Youth

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With the recent passage of HB21-1094 the FYTP is in effect. **YOUTH WHO ARE APPROACHING THE AGE OF 18 WHO ARE NOT CITIZENS OF THE U.S. SHOULD IMMEDIATELY CONSULT WITH AN IMMIGRATION ATTORNEY REGARDING THEIR OPTIONS.** OCR attorneys may access the [litigation support](#) for this purpose. It is vital that youth turning 18 get the necessary findings prior to transitioning out of the Article 3 case if they are going to seek Special Immigrant Juvenile Status (SIJS). Obtaining the requisite SIJS order through the later Article 7 case may not be possible or may result in a denial of the youth's SIJS petition, so please consult with one of our immigration litigation support attorneys ASAP.

If you represent the best interests of a youth who is approaching their 18<sup>th</sup> birthday who is not yet a citizen please do the following:

- Contact RMIAN (or conflict counsel if necessary) and set up a consultation ASAP.

If the youth will be seeking Special Immigrant Juvenile Status (SIJS) attorneys should:

- Work with RMIAN or other counsel to get the necessary predicate findings in the D&N case prior to closing the Article 3 case.
- Keep the Article 3 case open until jurisdiction terminates at 18.5 years of age OR until confirmed with the youth's immigration counsel that SIJS has been granted.
- If youth want to transition to the FYTP seek a continuance so the youth can transition after SIJS has been granted, or as close to the youth reaching 18.5 as possible.
  - Note: a youth may execute a voluntary services agreement prior to the FYTP case being opened in court which should preserve any services/placements.
- If the youth wants to emancipate, hold the emancipation discharge hearing as close to the 18.5 mark as possible.
- When possible make sure Court orders state that jurisdiction over the youth terminated due to age.
- If a youth does not agree to any of the above in their case, ensure they are advised by immigration counsel as to the impact on their immigration options.

If a youth is in the FYTP and wants to pursue SIJS:

- Contact RMIAN (or conflict counsel if necessary) for assistance obtaining an SIJS order out of the Article 7 case containing language confirming the child remains dependent on the court and all of the requisite SIJS findings.