

EXHIBIT 8

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

R.F.M. et al, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

KIRSTJEN NIELSEN, Secretary of the
Department of Homeland Security; et al.
Defendants.

Civ. Action No. 18 Civ. 5068

**DECLARATION OF EVE STOTLAND, ESQ. IN SUPPORT OF PLAINTIFFS'
COMPLAINT, MOTION FOR PRELIMINARY INJUNCTION, AND MOTION FOR
CLASS CERTIFICATION**

Eve Stotland, Esq., pursuant to 28 U.S.C. § 1746, declares as follows:

1. I submit this declaration in support of plaintiffs' complaint, motion for a preliminary injunction, and motion for class certification. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently to the following.
2. I am the Director of Legal Services at The Door – A Center of Alternatives, Inc. (The Door) <http://www.door.org/>, in New York City. The Door was founded in 1972 with the mission to empower young adults to reach their full potential by providing comprehensive youth development services in a diverse and caring environment. Our internationally recognized, innovative model offers a wide variety of free, integrated services to nearly 10,000 low-income youth each year. At The Door, youth have access to a suite of co-located and holistically designed services, including: primary and reproductive health care, mental health counseling and crisis assistance, legal assistance and representation, career and education services, supportive

housing, arts, sports, recreational activities, and daily nutritious meals – all for free. Our model is unique, effective, and unparalleled.

3. Among other services, The Door provides free legal help to young people ages 12-21 who cannot afford a private attorney and meet our requirements based on legal eligibility for relief. The Door provides services in a range of substantive areas, including family law, public benefits, and landlord-tenant law. Given that our mission is to serve vulnerable children and youth, each year we represent many clients who are eligible for Special Immigrant Juvenile Status (SIJS). Our office currently has nine attorneys and legal fellows who work specifically on immigration-related matters.

4. I graduated from Yale Law School in 1999. I began working on youth-related issues in 2001. I have expertise in serving homeless and runaway youth, youth in foster care, and youth who have been abused, neglected and abandoned. I also have expertise in representing youth in SIJS and other immigration matters. I serve on the New York Office of Court Administration's Advisory Council for Immigration Issues in Family Court and am a member of the Advisory Committee for the American Bar Association's Homeless Youth Legal Network.

5. I have worked at The Door for more than ten years. Initially, I served as a staff attorney from 2001-2006. I have served as the Director of Legal Services since 2012. As Director, it is my responsibility to supervise our attorneys and legal staff, to evaluate the success of our practice, and to report information about our work to The Door's Executive Director, funders, and other stakeholders.

The Door Has Significant Experience with Special Immigrant Juvenile Status

6. The Door has represented children in SIJS applications for more than twenty years. A SIJS application consists of predicate orders from a New York Family Court as well as United States Citizenship and Immigration Service (“USCIS”) Form I-360 Petition for Amerasian, Widow(er) or Special Immigrant. Upon an approval of the I-360 application, the SIJS applicant may apply to adjust status to lawful permanent resident by submitting an I-485 Application to Register Permanent Residence or Adjust Status.¹ The Door is well known for our expertise in SIJS, and our attorneys are sought-after to provide trainings and technical assistance on SIJS. According to USCIS data, in 2013, The Door filed more SIJS applications than almost any other legal office in the country, and more SIJS applications than any other law office in New York State.²

Until Recently, USCIS Regularly Granted SIJS Applications for Children Who Were 18 or Older When the New York Family Court Issued their Predicate Orders

7. The Door has long filed, and USCIS (and the Immigration and Naturalization Service before it) has long granted, applications for SIJS in which the child obtained the requisite state court orders on or after his or her 18th birthday. In fact, given that The Door serves vulnerable youth aged 12-21, The Door annually files many SIJS applications for youth who were 18, 19 or 20 at the time of their predicate order. The Door receives many more requests for representation than we can accommodate. As a result, in 2012, we developed a triage system that prioritizes five types of immigrant children: children in foster care, homeless children, children who are medically fragile, children in removal proceedings, and children who are 18, 19 and 20 and at risk of exceeding the maximum age of eligibility for SIJS, which is 21.

¹ Some SIJS applicants may simultaneously file the I-360 and I-485 forms. Applicants from visa “retrogressed” countries, currently El Salvador, Guatemala, Honduras, and Mexico, must wait to file the I-485 until an EB4 visa is available according to the U.S. Department of State’s Visa Bulletin.

² See Laila L. Hlass, Best Practices for Representing Child Migrants, 47 N.M. L. Rev. 247 (Summer 2017).

8. Children who are ages 18, 19 and 20 and who reside in New York State may be eligible for SIJS if they can meet the eligibility criteria. In my experience, until early 2017, USCIS regularly approved SIJS applications for children who received New York Family Court orders making the requisite findings when they were ages 18-20. In fact, until March 2018, we had never received a denial based on New York Family Court jurisdiction regarding children ages 18, 19 and 20.

9. The chart in Paragraph 10 details the number of Door clients that USCIS approved for Adjustment of Status based on approved SIJS applications for each year from 2013 to 2017.³ In addition, the chart details the number of Door clients that USCIS approved for Adjustment of Status based on approved SIJS applications who were 18, 19 or 20 years old at the time that the New York Family Court issued their predicate orders. From FY 2013 through FY 2017, USCIS granted Adjustment of Status based on approved SIJS applications to a total of 664 of The Door's clients. 486 of those clients, or 73%, were 18, 19 or 20 at the time the New York Family Court issued a predicate order.

10. *TABLE: USCIS Approvals of Requests for Adjustment of Status Based on Approved SIJS Applications by Fiscal Year*

USCIS Grants of Adjustment of Status Based on Approved SIJS Applications (By Fiscal Year in Which Case Was Closed)		
Fiscal Year (July 1 to June 30)	Number of I-485s based on SIJS approved by USCIS	Number of I-485s based on SIJS approved by USCIS for children who were 18, 19 or 20 when predicate order was issued
2013	101	67
2014	132	97
2015	186	136
2016	145	107
2017	100	79

³ Based on case closure dates by The Door's fiscal year, which runs from July 1 to June 30.

USCIS Has Recently Denied 13 SIJS Applications of Door Clients Who Were 18, 19, 20 When They Received Their Predicate Orders from the New York Family Court

11. Since March 2018, USCIS has denied 13 SIJS applications that The Door had filed on behalf of our clients on the grounds that the applicants were 18, 19 or 20 years old when they received their predicate orders from the New York Family Court. In each of the 13 cases, USCIS issued a Notice of Decision. All 13 of the notices contain the following language:

Based on a review of the record, USCIS finds that you did not meet your burden of proof in demonstrating you are eligible for Special Immigrant Juvenile classification under INA § 101(a)(27)(J). Because you were over eighteen when the orders were issued, you did not provide an order from a juvenile court making a custody and care determination for a juvenile. As such, you did not provide an order from a juvenile court located in the United States that declares you dependent on a juvenile court, or legally commits you to, or places you under the custody of a state agency or department, or of an individual or entity appointed by the state or juvenile court.

One notice also included the following language:

Additionally, the record does not establish the court's determination that reunification with your parent is not viable due to his death was based upon New York child welfare laws.

And a second notice also included the following language:

Additionally, there is no evidence the parental reunification determination was made under state law.

In each of the 13 cases, The Door had provided USCIS with an order, issued by a New York State judge or referee, which established that: the child was dependent on the juvenile court; the order was made pursuant to New York law; the child had suffered abuse, neglect or abandonment or "another similar basis" for dependency under New York State law; because of abuse, neglect, abandonment or a similar basis under state law reunification with one or both of

the child's parents was not viable; and it was not in the child's best interest to be returned to his home country.

USCIS' Unprecedented Denials of SIJS Will Harm Hundreds of The Door's Clients

12. As detailed above, since March 2018, USCIS has denied 13 SIJS cases that The Door had filed on behalf of our clients, on the grounds that the applicants were 18, 19 or 20 years old when they received their predicate orders of guardianship from the New York Family Court.

13. The Door has filed, and currently has pending, well over 100 additional SIJS cases in which the applicants received their predicate orders when they were 18, 19, or 20. The Door also has hundreds of clients whose SIJS applications were previously granted but who are in danger of receiving a Notice of Intent to Revoke or a Revocation on the grounds that they were 18, 19 or 20 at the time of their predicate orders. Should USCIS be permitted to circumvent the law governing SIJS, these children will face extreme hardship, including but not limited to: loss of employment authorization and the ability to support themselves and their families; loss of access to higher education; and heightened vulnerability to arrest, detention, and deportation.

14. I declare under penalty of perjury of the laws of the State of New York and the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 21st day of May 2018 in New York, New York.



EVE STOTLAND, ESQ.