

IN THE IOWA DISTRICT COURT FOR FRANKLIN COUNTY
Juvenile Division

IN THE INTEREST OF

) NO. [REDACTED]

[REDACTED]
A CHILD.

) **ORDER RE: MINOR'S ELIGIBILITY FOR**

DOB: [REDACTED]

) **SPECIAL IMMIGRANT JUVENILE STATUS**

This matter comes before the Court upon the filing of a Motion for Order Regarding Minor's Eligibility for Special Immigrant Juvenile Status.

The Court makes the following findings:

1. The child, [REDACTED] is an unmarried minor under the age of 21 years and is a foreign national of Mexico.
2. The child, [REDACTED] has been removed from her parents' care, custody and control. The child has been placed in foster care as part of court-ordered placement. She has been adjudicated to be a Child in Need of Assistance as defined by Iowa Code Section 232.2(6)(c)(2).
3. This Court has jurisdiction under Iowa law to make judicial determinations about the custody and care of juveniles within the meaning of Section 101(a)(27)(J) of the Immigration and Nationality Act ("INA"), 8 U.S.C. Section 1101(a)(27)(J)(i), and 8 C.F.R. Section 204.11 as modified by William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"), Pub. L. 110-457, Section 235(d)(1)-(3), 122 Stat. 5044.
4. The child is dependent upon this Court within the meaning of Section 101(a)(27)(J) of the INA, 8 U.S.C. Section 1101(a)(27)(J)(i) and 8 C.F.R. Section 204.11.
5. Reunification with one or both of the child's parents is not viable due to abuse, Neglect or abandonment under Iowa State law. This Court makes this finding based on the evidence that there is currently a founded child abuse assessment that the father sexually abused this child. Additionally, the child is currently in foster care and the parents have not visited with their child for more than 90 days.

6. It is not in the best interests of the child to be returned to her country of nationality or country of last habitual residence, Mexico, within the meaning of Section 101(a)(27)(J) of the INA, 8 U.S.C. Section 1101(a)(27)(J)(ii), and 8 C.F.R. Section 204.11. In making this finding, the Court takes notice that the child has lived in the United States for the majority of her life. If the child returned to Mexico, she would have no reliable long-term caregiver and no access to the type of services and education she is receiving in the United States. It is in the child's best interests to remain in the United States.