

**IN THE SUPREME COURT OF THE
STATE OF CALIFORNIA**

S.H.R.,) Supreme Court
Petitioner and Appellant,) No. S271265
)
v.) Court of Appeal
) Second Appellate Dist.,
) Div. One
JESUS RIVAS et al.,) No. B308440
Real Parties in Interest.)
) Los Angeles County
) Superior Court
) No. 19AVPB00310

**APPLICATION OF THE UNIVERSITY OF CALIFORNIA
IMMIGRANT LEGAL SERVICES CENTER TO FILE AMICUS
CURIAE BRIEF IN SUPPORT OF PETITIONER S.H.R.**

University of California Immigrant Legal Services Center

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**APPLICATION OF THE UNIVERSITY OF CALIFORNIA
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The University of California Immigrant Legal Services Center (“UCIMM” or “The Center”), through its attorneys and pursuant to California Rules of Court, rule 8.520, respectfully applies for leave to file the following amicus curiae brief in support of Petitioner, S.H.R.¹

UCIMM provides free, high-quality immigration legal representation, outreach and education to students and their family members across nine of the ten University of California (“UC”) campuses. We have offices or serve students and their family members at University of California at Los Angeles (“UCLA”), UC Irvine, UC Davis, UC San Diego, UC Riverside, UC Santa Cruz, UC Merced, UC Santa Barbara, and UC San Francisco. What started as an initiative from the Office of the President in 2015 has grown into a highly respected program that now receives permanent funding from the State of California as well as financial support from five campuses. The Center is uniquely situated to serve the immigration-related legal needs of undocumented and immigrant students in the University of California system. Many of said students are immigrant youth that were brought into the country as children and now find

¹ No party or counsel for a party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No entity other than amicus curiae UCIMM made a monetary contribution to its preparation or submission.

themselves encountering significant barriers as they pursue higher education. The Center is committed to supporting and enhancing the well-being of the University of California Community while advancing equity and success in higher education through legal representation, outreach, and education.

The Center recognizes that undocumented students face numerous financial, legal, and personal challenges when it comes to accessing and remaining in higher education institutions. In fact, a recent study found that “immigration-related concerns prevented undocumented students from fully engaging in their academics.”² With this concern in mind, our Center partners with immigrant student organizations at each campus to identify vulnerable immigrant youth.

Undocumented students represent one out of every 50 students enrolled in postsecondary education in the United States.³ California hosts 20% of these college students.⁴ System estimates suggest that there are

² Enriquez, L.E, Morales Hernandez, M. & Ro, A Deconstructing Immigrant Illegality: A Mixed-Methods Investigation of Stress and Health Among Undocumented College Students. 10 *Race & Soc. Probs.* 193 (2018)

³ Miriam Feldblum et al., Presidents’ Alliance on Higher Educ. & Immigration & New Am. Econ., *Undocumented Students in Higher Education: How Many Students Are in U.S. Colleges and Universities, and Who Are They?*. (2020).

⁴ The Campaign for Coll. Opportunity, *Higher Education Affordability for Undocumented Students in California.* 2 (2018).

approximately 4,000 undocumented UC students,⁵ and UCIMM has handled over 8,000 cases since opening in 2015. The Center clients are mainly undergraduate students between the ages of 18 and 22.

Between August 2017 and October 2021, UCIMM filed approximately 76 California State Court Special Immigrant Juvenile Status (“SIJS”) petitions and associated United States Citizenship and Immigration Services (“USCIS”) I-360 SIJS petitions.⁶ SIJS cases are UCIMM’s third most common type of case, after Deferred Action for Childhood Arrivals (“DACA”) and family-based petitions.⁷ Of the more than 76 clients, 35% of said applicants did not have an alternative protection from deportation.

We have filed in SIJS cases in 15 California counties and in every Appellate District. Notably, 30.5% of the Center’s SIJS petitions are filed within the California’s Second Appellate District. In addition, we have filed 38 USCIS Adjustment of Status Applications based on approved, pending,

⁵ Toni Molle, *CSU to Roll out Delivery of Immigration Legal Services for Students and Employees*, The Cal. State Univ. (Aug. 28, 2019), <https://www2.calstate.edu/csu-system/news/Pages/California-State-University-to-Roll-Out-Delivery-of-ImmigrationLegal-Services-for-Students-and-Employees.aspx>.

⁶ SIJS petitions, when approved, allow a SIJS applicant to apply for lawful permanent residency. *See* 8 U.S.C. 1255(h).

⁷ DACA is a discretionary form of administrative relief from deportation available to certain individuals who entered the United States at a young age in or before 2007. The relief is issued by the same agency that adjudicates SIJS requests.

or concurrently filed SIJ-based I-360s. Nearly all of them have petitioned for a guardian through the probate process due to being abandoned and/or neglected by one or both parents. Thus, nearly all of our SIJS clients would have had to bear the consequences of the lower court's decisions in *S.H.R.* had *S.H.R.* been the prevailing law at the time.

The case presently before this Court involves issues regarding the eligibility of immigrant youth to secure SIJS findings through California's state courts. Given the Center's growing representation of SIJS clients, we are uniquely positioned to provide the Court with a valuable perspective on this vulnerable population, their unique challenges, and their potential for embodying the American Dream. The Center's expertise is relevant to the issues presented in this case and will assist this Court in its decision-making process.

For all of the aforementioned reasons, counsel request that this Court grant the Application of The University of California Immigrant Legal Services Center to File Amicus Curiae Brief and accept the attached brief in support of Petitioner S.H.R. for filing and consideration.

Dated: March 22, 2022

Respectfully submitted,

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**AMICUS CURIAE BRIEF OF THE UNIVERSITY OF
CALIFORNIA IMMIGRANT LEGAL SERVICES CENTER**

Pursuant to rule 8.500(g) of the California Rules of Court, the University of California Immigrant Legal Services Center (“UCIMM” or “The Center”) joins Horvitz & Levy, LLP and Immigrant Defenders Law Center as *amicus curiae* to respectfully urge the grant of Petitioner/Appellant. Our clients are youth who qualify or would qualify for Special Immigrant Juvenile Status (“SIJS” or “SIJ”). Our Center takes special interest in our clients’ and prospective clients’ ability to avail themselves of the safety and promise to stay in the United States that SIJS affords them.

UCIMM is committed to supporting and enhancing the well-being of the University of California community and to advancing equity and success in higher education through provision of free, high-quality immigration legal representation, outreach, and education. Arising from

zealous student advocacy, the UC Office of the President created the Center to enhance the well-being of undocumented students and students from mixed-status families so that they may succeed at the UC and beyond. Students cannot fully focus on their academics if they fear their families' or their own removal from the United States. Many of our clients have found security and hope by applying for SIJS, and eventually receiving lawful permanent residency status.

I. THE LOWER COURTS' DECISIONS IGNORED PRECEDENT REGARDING ABANDONMENT AND NEGLECT BY STATING THAT POVERTY CAN JUSTIFY PARENTAL BEHAVIOR THAT IS CLEARLY NOT IN THE BEST INTEREST OF THE CHILD WHICH NEGATIVELY AFFECTS IMPOVERISHED AND VULNERABLE UNIVERSITY OF CALIFORNIA STUDENTS

Petitioner argues that his parents abandoned and neglected him because they consented to him performing dangerous work in agricultural fields as a child laborer, failed to support him financially, and forced him to abandon his education. Petitioner's Opening Brief on the Merits ("OBOM") at 13. Between the ages of 10 and 15, Petitioner worked in the field for long hours during the summer and used the money he earned to buy food and clothing to support his family. *Id.* at 17. In ninth grade, he was threatened by gang members at school, and his parents forced him to drop out of school and begin working full days at a car wash. *Id.* at 17. Neither his mother nor grandfather worked, and his father had been out of work. *Id.*

Indeed, the Petitioner “worked because his parents did not support him financially.” *Id.* at 18. The gang threats continued at work, and the police did not intervene. *Id.* at 19. Fearing for his life and because his parents could not protect him, S.H.R. fled to the United States. *Id.* at 20.

In their decisions, the courts below held that S.H.R. was neither abandoned nor neglected by his parents by solely focusing on the root cause of the actions of S.H.R.’s parents rather than the impact those actions had on Petitioner. The Superior Court held that requiring a minor child to work to support the family, even “before and after school for long hours during the day in otherwise less than ideal circumstances...does not equate to neglect.” *In Re: the Petition of Guardianship for S.H.R.*, No. 19AVPB00310 at 7-8 (Cal. Super. Ct. L.A. Cnty. Filed Aug. 25, 2020). The Court reasons that the “root cause” of S.H.R.’s parents’ alleged neglect and abandonment is “their poverty,” and “poverty alone is not a basis for judicial, neglect-based intrusion.” *Id.* at 7 (internal quotation marks omitted). The Court of Appeal upheld the Superior Court’s decision by reasoning that “because his parents were impoverished,” allowing S.H.R. to work in the fields at a young age was a “reasonable parental decision that enabled the family to provide for [him].” *Guardianship of S.H.R.*, 68 Cal. App. 5th 563, 578, as modified on denial of rehearing (Sept. 28, 2021).

Petitioner correctly argues that the “poverty alone” rule should not be applied to petitions for SIJS findings. “Rather, the focus should be on

the harm suffered by the child.” OBOM at 40. As outlined by Petitioner, “[a] state court’s role in the [SIJS] process is . . . simply to identify abused, neglected, or abandoned [undocumented] children under its jurisdiction. . . .” OBOM at 39 (quoting *Bianka M. v. Superior Court*, 5 Cal. 5th 1004, 1025 (2018), internal quotations omitted). Refusing to grant SIJS findings because the actions of one or both parents were influenced by poverty would prevent minors like S.H.R. and many of the clients served by UCIMM from accessing the safety and stability provided by SIJS and the policy which created this form of relief.

a. The Lower Courts Failed to Consider the Impact of Parents’ Lack of Financial Support on the Child in Concluding that Abandonment Had Not Occurred.

California law defines “abandoned” as “left without provision for reasonable and necessary care or supervision,” and may be found where “[t]he child has been left without any provision for support.” Cal. Fam. Code § 3402 (2021); Welf. & Inst. Code, § 300(g). In the case of S.H.R., his parents failed to provide for him, and in fact, the money he earned from working went to buying food for his family. OBOM at 18-19. Many of our clients also come from poor families. This fact does not obviate the need for the court to determine if the decisions made by the minor’s parents—such as requiring them to work long hours or removing them from school—are in the best interests of the child. Over the past six (6) years the Center has successfully represented clients in numerous cases where courts have

found that one or both parents abandoned their child where they failed to provide care and financial support. In these cases, the courts took the parents' actions into account while focusing on the impact of their lack of support, including the minor being forced to work to make ends meet, rather than the root cause of the parents' actions.

In one such case, at the Superior Court of Los Angeles, the same court where the Petitioner's case was decided, found that UCLA student Aimee's⁸ father had abandoned her under California law when he failed to maintain steady employment, did not contribute to household expenses, and withdrew emotionally from his children. Aimee's declaration described her father's choice to resign from his full-time job, and several years of failing to seek work or income to support their family. As a result, the family struggled to meet their basic needs. When Aimee's mother decided to separate from him, Aimee described how her father proceeded to drift away from the family and eventually moved back to Mexico. On this basis, the Court placed Aimee under guardianship of her grandmother and granted SIJS findings shortly before Aimee's 21st birthday. Eventually, USCIS found Aimee eligible for SIJS, and she is now on the path to lawful residence due to her father's abandonment.

In the case of Leo, a citizen of Mexico, DACA recipient, and UCLA

⁸ All names mentioned in this *Amicus* are pseudonyms to protect the identities of the SIJS applicants.

student, the Superior Court in Los Angeles concluded that his father abandoned him by failing to provide financial or emotional support during Leo's childhood. During interviews, Leo disclosed that his father and mother split up when he was very young due to his father's violence and infidelity. Leo's mother left her husband in Mexico to come to the United States with Leo and his brothers. For many years, Leo's mother and brothers supported the family financially, with no support from his father. When Leo eventually enrolled at UCLA, he decided to contact his father to request financial support to assist with tuition, room, and board. His father agreed to give him about \$4,500 per year. Nevertheless, the Superior Court of California, Probate Division in Los Angeles concluded in 2018 that "because the minor's father left minor without provision and support during his childhood, reunification is . . . inviable due to abandonment under [Cal.] Welf. & Inst. Code 300(g)." USCIS approved Leo's SIJS-based adjustment of status application in October 2020.

This was also the case for Ana, a 20-year-old UC Davis student, whose father provided only token economic support. Ana came to the U.S. from Mexico with her mom and brother at age three. Years later, her father reached out and gave her a phone, obtained visitation rights from the court, and started sporadically visiting her. Although he promised to help her financially, he gave her only a few hundred dollars here and there. As a result, Ana worked while she attended college to make ends meet. Over

time, Ana distanced herself from her father because he was unreliable. The Yolo County probate court found that Ana's father's actions constituted abandonment under California law, granted her an AB 900 guardianship, and made SIJS findings.⁹

In another case, Elena, a UC Davis student about to graduate with a degree in psychology, was granted SIJS findings where her mother did not provide for her basic needs. Elena had not seen her biological mother since she left Mexico at age eight. Instead, Elena thought of her stepmother Brenda as her true mother. Brenda supported the family financially, enrolled Elena in school and extracurricular activities, and helped her learn English. Elena loved her father, but he did not work and could not provide for her financially. With only one adult supporter, Elena obtained a part-time job so she could buy necessary supplies. Noting this fact, the Yolo County probate court appointed Brenda as Elena's guardian and found that Elena's mother had abandoned and neglected her. The superior court did not frame Elena's need to get a job as a natural response to poverty, but rather an indication that her mother left her without the necessary care, supervision, and financial support.

⁹ Guardianships granted pursuant to California Assembly Bill No. 900 allows youth aged 18-20 to apply for guardianships. AB 900 added Section 1510.1 to the California Probate Code, and amended Sections 1490, 1600, and 1601 of the Probate Code. *See* Assem. Bill No. 900 (2015-2016 Reg. Sess.) § 1(a)(6).

This was also the case with Daniel, a 20-year-old UC Davis student, who had not been in contact with his father since leaving Mexico at age fifteen with his mother. His father was involved in business dealings with dangerous people, which prompted the family to move to the United States. Shortly after they arrived, Daniel began working. His mom suffered from lupus and could not work. She relied on Daniel to assist her with household tasks and caretaking. Daniel, in turn, relied on his aunt Maria for financial support, reliable housing, and guidance as before and during college. In granting the petitions for AB 900 guardianship and SIJS findings, the court specifically noted Daniel's need to work as evidence of his father's abandonment and neglect under California law. As in Elena's case, *see supra*, the court did not focus on the family's poverty to deny the guardianship, but rather stated that the minor's need to work was a result of the father's abandonment.

The above cases illustrate that even when poverty could be a cause of a lack of financial support—including where there is some financial assistance by a parent—the lack of care and support and its resultant impacts on the student is the main focus in finding abandonment and granting a guardianship. Had the courts focused on the fact that the students' families were impoverished rather than the parents' failure to provide care and financial support and the impact on the students' lives, these students would not have been able to show abandonment and obtain

the guardianships that would enable a parental figure to guide them through the UC system, college, and other aspects of their life. Further, these youths' ability would have been categorically unable to apply for immigration relief as envisioned by the United States Congress.

b. The Lower Courts' Neglect Findings Erroneously Focused on the Family's Poverty in Justifying the Parents' Actions Rather Than Their Impact on the Child.

Similarly, California law defines neglect with a focus on the actions or omissions of the parent and the impact on the child, rather than on the reasoning behind those actions. Courts look to the actions of the parents and to the effects of those actions—e.g., deprivation of food, clothing, and safety. California Welfare and Institutions Code § 15610.57(b) (2021), defines neglect as the failure to “assist . . . in the provision of food [or] clothing” and the “failure to protect from health and safety hazards.” *See also* Welf. & Inst. Code § 300(b). California Penal Code § 11165.2 (2021) defines neglect as “negligent treatment” occurring under “circumstances indicating harm or threatened harm to the child’s health or welfare,” whether by act or omission. As with abandonment, the legal standards for neglect focus on the impact of parental action or inaction on the child. Moreover, for many of our clients, courts found the proposed guardian necessary or convenient because the proposed guardian *had* provided parental care to the minor. *See* Cal. Probate Code § 1514(a) (2021)

(“necessary or convenient” standard). *See* also Cal. Probate Code § 1510.1 (2021) (granting the Probate Court jurisdiction to appoint a guardian for a minor who is unmarried and between the ages of 18 and 20).

A Santa Barbara probate court found neglect in an AB 900 case for Manuel, a 20-year-old UCSB student who was born in Mexico. When he was a child, his mother failed to provide Manuel with food, water, or basic necessities. Just like *S.H.R.* being denied educational opportunities, Manuel was prevented from going to the library to obtain books by his parents. *See, e.g.*, OBOM at 18. When he was in high school, Manuel met Sam, who eventually became Manuel’s legal guardian. Sam encouraged Manuel to join the Eagle Scouts and apply for scholarships. Manuel has relied on Sam for emotional, financial, and practical support that he did not receive from his mother.

In another case involving financial neglect, the Santa Clara probate court issued SIJS findings based on neglect and abandonment for Santos, a 20-year-old UCLA student from Mexico. After his parents divorced when he was 8 years old, Santos lived with his father, who was unable to support his children after the divorce and returned to Mexico one to two years later. Santos’ father did not provide any financial or practical support, and as a result, Santos began working at age 13 to pay for his own basic necessities. It was Santos’ older brother, the appointed guardian, who provided Santos with parental support. Unlike in *S.H.R.*, the court here found that the fact

that Santos had to work to afford his own necessities at the tender age of 13 was material to the finding that his father neglected Santos.

Failure to provide for basic necessities was also a factor in the case of Jaime, a 20-year-old UC Santa Cruz student from Peru. The Alameda County probate court granted SIJS findings on the basis of neglect and abandonment by Jaime's biological father. The court found there was neglect because Jaime's father did not provide for Jaime's basic needs, such as clothing and food, and that Jaime obtained part-time jobs babysitting so that he could have a partial source of income to buy necessities.

The Yolo County probate court also found neglect in Elena's case. *See supra.* As a 20-year-old UC Davis student from Mexico, the probate court found that Elena's mother had abandoned and neglected her by failing to support her financially or emotionally. In its decision, the court noted that Elena had a part-time job to buy necessary supplies, and her mother did not provide for her basic needs. Elena, meanwhile, had to rely on her stepmother for emotional, financial, and educational support. The court appointed her stepmother as guardian and granted SIJS findings.

In conclusion, the proper focus of a neglect inquiry is the best interest of the child and the impact of parental actions on the minors. For all our clients, the courts found that they suffered from lack of parental support and provision for their basic needs. We urge the Supreme Court to grant the Petition, and render a decision so that future SIJS applicants

throughout California would have their neglect claims fully considered and with full consistency with existing law.

II. S.H.R. WOULD HAVE LED TO DRAMATICALLY NEGATIVE OUTCOMES FOR UC STUDENT CLIENTS WHO RECEIVED SIJS AS INTENDED BY THE UNITED STATES CONGRESS.

The receipt of SIJS improves the quality of students' lives in immeasurable ways. Past and present UC students that we represented highlight how their AB 900 guardianship and subsequent receipt of SIJS status by USCIS provided them with better educational and professional opportunities, and an increased sense of safety and well-being. This was a welcome change since many of students' lives involved struggling with emotional and financial insecurities in the absence of parental support prior to the grant of guardianship and SIJS. The following statements by UC students who received guardianship protections illustrate the positive impact receiving guardianships and SIJS had for them and what losing those protections would have meant for them.

A 25-year-old UC Davis graduate and current professional athlete felt a strong sense of relief and was able to proceed with his goals after receiving his SIJS grant:

I felt like a weight was lifted ... a lot of stress left my body. When I found out [about the SIJS grant], I remember I was at the airport and I was weeping ... I had just gotten off the phone with an agent because I didn't have my papers and I had been turned down by all major [sports] teams. Once I

[received my LPR card through SIJS] – it was a miracle, it came at the exact right time. It was amazing ... it gave me a lot of peace and hope, post-college, [to] pursue the career that I wanted (which for me involved a lot of travel). [SIJS] has changed my life. I just thank God for it. I know a lot of kids who are in a similar situation that I was in ... these kids were abandoned, or placed in a situation that they didn't have much say in when they're just trying to make something of them self. These kids have been abandoned, they've been locked in and trapped, and for someone to say I'm going to send you back to a place where you can't survive and can't get support, you're condemning them. We just need the opportunity – and trust me, we take the opportunities. It changes lives.

A 24-year-old recent UCLA graduate, who obtained his Bachelor of Science and Masters in Engineering, notes how critical his SIJS findings have been for his career as a first-generation undergraduate and graduate student and professional:

SIJS has allowed me to get an engineering job at [a Fortune 500 company] – this wouldn't be possible if it weren't for SIJS. I remember when I went to a job fair [before gaining lawful status through SIJS] where I talked to recruiters for engineering, and the interviews ended within the first minute because of my lack of [immigration] status. [SIJS] has also given me a higher sense of stability in life, because before–with and without DACA –everything felt uncertain. Now I feel like I can set my goals, and my perspective has changed. It's been helpful to my family as well because I can offer them certainty also with being able to be there for them.

A 24-year-old UCLA graduate with a Bachelor's in Psychology, now working in at a nonprofit for individuals in recovery from addiction issues, found the guardianship and SIJS process to have a significant impact on her mental health:

I specifically had a hard time getting someone to listen to me about my background and [my attorney at the Center] was the first professional that actually took the time to listen my story and it completely changed the trajectory of my life. I thought that there was no way to get on the path to citizenship ... It was the first time that someone understood that what I went through was neglect and abandonment. ... I had no idea that SIJS could apply to me. Having a lawyer [see this in] my experience was very important. As an immigrant, I grew up thinking things were going to be hard and that was normal, but having my situation acknowledged and naming it as neglect and abandonment and approved by a court of law as neglect and abandonment was meaningful. When I walked away from the [probate] hearing, I finally realized how important it was having my situation acknowledged as neglect and abandonment. ... It was finally a reprieve from the idea that life has been harder than it needs to be.

A 24-year-old UC Davis graduate, currently pursuing her Masters degree in Counseling, found that she has been able to pursue a higher degree with her recently granted legal status:

When I got the guardianship approved, I felt so relieved. It really changed things, it gave me hope to be able to continue. I had gone into the process extremely nervous and worried. Let's say it wasn't approved, what if I had to move back to Mexico? I have little to no contact with my mother, and she is like a stranger to me... Later, when I got my [SIJS] petition and permanent residence approved, it was this sudden feeling of relief ... Obtaining my permanent residence has impacted me in very big ways. I recently started graduate school and I'm working on my Masters in Counseling. Before I wasn't able to do the FAFSA or apply for federal loans to fund my education. Now that I'm a permanent resident, that's something I'm able to do. I want people to consider undocumented individuals as human beings—we're here to add to the community and to the country, not to take anything away. Being able to obtain SIJS opens doors for us to continue our careers and our lives here. We have so much to offer.

A 24-year-old UC Santa Cruz graduate now utilizes his Lawful Permanent Resident Status to work in research at top tier university, specifically on the COVID-19 pandemic:

I got my SIJS approved my senior year of college. I studied Molecular Biology in undergrad, and a lot of internships turned me down because I had DACA. Undocumented students face a lot of restrictions in funding for internships, research, etc. To someone who's not living through it, it might not seem like a big thing, but it's actually huge. A lot of these internships are really formative, and getting experience is important for students who want to go into the medical field. A lot of my confidence in applying to jobs after graduation came from my SIJS decision. Now I'm working in a research lab at Stanford. Right after I got my green card, I was able to conduct clinical trials with Covid-19 patients through my lab. I saw how the pandemic was disproportionately affecting communities of color, and I feel really proud to be able to do that work. I'm currently applying for medical school. My ideal career goal within medicine is increasing Latinx representation in the field. I'm interested in public health and advocating for communities that don't feel represented in medicine.

A 23-year-old UC Santa Barbara recent graduate and recent recipient of Lawful Permanent Resident status through SIJS discusses the way SIJS changed their life:

When I got my SIJS approved, it felt like a miracle. It completely changed my life. Back in high school, I had no idea the impacts that my immigration status would have on my ability to go to and pay for college. I had applied to schools all over the country, but I didn't know how limiting it was to not have a social security number. I got the acceptance letters, but I realized I couldn't go to any of those colleges because I only had DACA and there was no way I could afford it. Instead, I enrolled in community college and

then transferred to a UC. I received a full scholarship to attend UC Santa Barbara, where I studied Political Science and Technology Management. It wasn't until college that I found out that I qualified for SIJS. The lawyers at the Center helped me with everything. A few weeks ago, I got the news that my [lawful] permanent residency was approved. I cried because I never thought that having legal status would even be a possibility for me. I grew up undocumented and I was raised by a single mother. Obtaining SIJS has opened up the whole world for me, quite literally. Before, I only had limited opportunities for my future. Now, I'm in the process of starting my own business.

A 21-year-old current UC Davis student, currently studying Human Development and Spanish with a minor in Education, awaits her SIJS grant to be able to make an impact on other students:

Before applying for SIJS, I was an AB 540 student without any DACA status. I'd been working so hard in school, but I was worried—what if everything I'm studying ends up worthless because I won't be able to work in the U.S. after I graduate? When I got my guardianship approved, I was in shock at first and couldn't believe it. I just felt like, 'I can have a chance in the future.' ... I'm going to apply for my Master's in Education. I want to be a high school teacher. I've had amazing people in my life who have supported me, like one of my high school teachers who ended up becoming my mentor and guardian. In my future as a teacher, I want to make a change in students' lives and help them.

As seen through the testimonials, California courts play an essential role in opening doors for University of California students who have been abused, abandoned, or neglected by one or both parents. The Courts, as authorized by Congress, help to open a future of limitless possibilities for UC students. The erroneous

decisions of the courts below in *S.H.R.* would prevent future neglected and abandoned UC students from the ability to change their lives and become important contributors to the state of California.

III. CONCLUSION

The clients described above, and other clients that we have served, live throughout California. We have the good fortune to represent these individuals in their probate and immigration proceedings, and have seen how SIJS findings have improved their lives and that of their communities. *S.H.R.* was improperly decided and if were to become precedent, it would negatively impact all young people petitioning for SIJS in California state courts. In conclusion, we respectfully request that this Court reverse the Court of Appeal's judgment and direct the Court of Appeal to order the superior court to (re)appoint a guardian for Saul and to make the findings specified in California Code of Civil Procedure section 155, subdivision (b)(1).

March 22, 2022

UC IMMIGRANT LEGAL
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Respectfully submitted,

/s/ Maria Blanco
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CERTIFICATE OF WORD COUNT

The text of this brief consists of 6,029 words as counted by the Microsoft Word word-processing program used to generate this brief.

DATED: March 21, 2022

/s/ Vivek Mittal

Vivek Mittal,
Attorney for Amici Curiae

PROOF OF SERVICE

**Supreme Court No. S271265
(Court of Appeal No. B308440)
(Los Angeles County Super. Ct. No. 19AVPB00310)**

I am a resident in the state of California and over the age of eighteen years, and not a party to the within action; My business address is 400 Mrak Hall Dr., DAVIS, CA 95616. On March 21, 2022, I served the foregoing document(s) described as **AMICUS CURIAE BRIEF IN SUPPORT OF PETITION FOR REVIEW** on the interested parties in this action by sending a true copy addressed to each through TrueFiling, the electronic filing portal of the California Supreme Court, pursuant to Local Rules, which will send notification of such filing to the email addresses denoted on the case's Electronic Service List.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Davis, California on March 21, 2022.



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STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

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Case Number: **S271265**
Lower Court Case Number: **B308440**

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

3/21/2022

Date

/s/Ignacio Figueroa

Signature

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