



Thank you for your continued support of unaccompanied children. Below is an upcoming [Training](#). Also, don't forget to check out our section on [Important Immigration Updates and Resources](#) below, which includes information regarding the [new I-485 application](#) and [closure updates](#) for Immigration Court, USCIS, and ICE, and Massachusetts State Courts.

[Upcoming Training](#)



GENERAL INTRODUCTORY TRAINING: Children in Removal Proceedings: Overview of Immigration Court, Case Process, and Forms of Legal Relief, **Wednesday, April 14, 11 a.m. - 12:30 p.m. Webinar**. This is a key general training for every pro bono attorney representing a KIND client or who WANTS to represent a KIND client. We will be providing current guidance on representing a KIND client in the everchanging legal climate, including adjudications at the Boston immigration court, Boston USCIS and Asylum Office, and county probate courts. We will provide a brief primer on SIJS and Asylum law, as well as tips and best practices for working with children in the legal context and virtually. Please register [here](#).

[Important Immigration Updates and Resources](#)

PRIORITY DATES FOR SPECIAL IMMIGRANT JUVENILE BASED PERMANENT RESIDENCY APPLICATIONS

Effective April 1, 2021, children wishing to adjust status based on SIJ status may file Form I-485 and the application may be adjudicated only if the child's "priority date" is earlier than the following "Final Action Dates":

- **El Salvador, Guatemala, Honduras:** **August 1, 2018**
- **Mexico:** **February 1, 2019**
- **All other countries:** Processing is "Current" (no cutoff date applies).

This information is in accordance with the [Visa Bulletin For April 2021 \(state.gov\)](#) and related instructions on USCIS' webpage, [Adjustment of Status Filing Charts from the Visa Bulletin | USCIS](#), specifying that the "Dates for Filing" chart is in effect for April.

For SIJS-based adjustment, the **priority date** is the date that Form I-360 was properly filed with USCIS, as shown in the applicant's receipt, Form I-797. Because pertinent cutoff dates can move either forward (more favorable) or backward (less favorable) in future months, those eligible to file should do so as soon as feasible. Pro bono attorneys may contact KIND for further guidance on filing requirements, including while removal proceedings are pending.

USCIS has released a new edition of the Form I-485, Application to Register Permanent Residence or Adjust Status. Starting **April 19, 2021**, USCIS will only accept the new form, with a current edition date of 3/10/21. Until then, the 3/10/19 edition can be used. The new form has a new format; incorporates Form G-325A (which is no longer required); and the general eligibility and inadmissibility sections are reorganized. The instructions have also been expanded: the general instructions from page 1 through 18 apply to all applicants. Special Immigrant Juvenile Status instructions are at page 23. Here is a link to information about the new form, the form itself and instructions: [Application to Register Permanent Residence or Adjust Status | USCIS](#). Please reach out to your KIND contact if you have any questions.

[UPDATES FROM EOIR AND DHS](#)

[Immigration Court \(Executive Office for Immigration Review/EOIR\)](#)

- **Hearings (including master calendar hearings) are being conducted in the Boston Immigration Court.** If you have an upcoming master calendar hearing for your KIND client, please contact your KIND mentor for the latest information. **Merit cases that had already been scheduled will be going forward as scheduled unless attorneys and/or respondents have been notified otherwise.** Hearings that had been postponed due to COVID-19 will be rescheduled, and hearing notices are being sent out to notify attorneys and respondents of the new hearing dates. Please refer to the Boston Immigration Court's [Standing Order 20-01](#) (October 8, 2020) (Telephonic Appearances Of Counsel, Respondents, Witnesses, And Other Individuals At Master Calendar And Individual Hearings) for more information. You can check the status of your client's hearing on the [EOIR website](#) by clicking on "Automated Case Information" and entering your client's A number. Some hearings are being conducted by WebEx and the Court has provided [instructions](#) on using WebEx.
- EOIR has announced that hearings in non-detained cases at courts **without an announced date** are postponed through and including **April 16, 2021 therefore resuming April 19th**. Immigration courts in cities in which KIND operates that have announced earlier reopening dates are Arlington (open), Atlanta (open), Baltimore (open), Boston (open), Los Angeles (open), Newark (open), San Francisco (open), and Seattle (open). Detained hearings are proceeding as scheduled.
- Always check <https://www.justice.gov/eoir/eoir-operational-status-during-coronavirus-pandemic> for your local court's operating status. You may also register to receive email notifications of updates to EOIR's operational status via a link on that webpage. A Policy Memorandum (PM) regarding immigration hearings conducted by phone and video teleconference. The PM can be found at: <https://www.justice.gov/eoir/page/file/1335096/download>. Practice guidance on the new policy is available from your KIND contact.
- **EOIR Policy:**
 - On January 20, 2021, President Biden [issued a "regulatory freeze"](#) memo encouraging agency heads to pause all pending agency rulemaking pending review. The memo defines "rule" broadly and may lead to agency actions relating to recent policy memoranda, including some of EOIR policies referenced below. However, until or unless rescission or replacement of any policy is formally announced by EOIR, the following policies remain in effect.
 - On January 11, 2021, EOIR has issued a comprehensive [policy manual](#), which incorporates all current policy memoranda, including the recent memos highlighted below.
 - **Policy impacting case scheduling:** On November 30, 2020, EOIR announced the implementation of an ["enhanced case flow processing model"](#) aimed at reducing unnecessary in-person master calendar hearings and resolving issues through written pleadings in cases involving represented respondents. Under the new case flow model, EOIR will be issuing scheduling orders setting deadlines for initial written pleadings and/or the filing of applications for relief (depending on the case posture) and vacating the scheduled master calendar hearing. The EOIR Practice Manual has been updated to reflect this policy. KIND has issued guidance on how to respond to such scheduling orders, which is available through your KIND contact.

- **EOIR filing deadlines for hearings:** The EOIR policy memo sets [two different filing deadlines](#) depending on the hearing type. Filings in advance of master calendar hearings must be filed 15 days prior to the hearing, and filings in advance of individual calendar hearings must be filed 30 days prior to the hearing.
 - **Policy Memo impacting requests for continuance:** On January 8, 2021, EOIR issued a [new policy memo on continuances](#) (OPPM 21-13), effective as of that date, which supersedes the prior [OPPM 17-01, Continuances](#), issued in 2017. Among other things, the new policy memo tracks the standards governing continuances in the Attorney General’s decision in *Matter of L-A-B-R-*, 27 I&N Dec. 405 (A.G. 2018). KIND has issued guidance available through your contact.
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U.S. Citizenship and Immigration Services (USCIS)

- USCIS released a new edition of Form I-485, Application to Register Permanent Residence or Adjust Status, please see details above.
 - USCIS has [announced the designation of Venezuela](#) for Temporary Protected Status (TPS) for 18 months, effective March 9, 2021, through Sept. 9, 2022. The Federal Register notice details the eligibility criteria Venezuelan nationals (and individuals without nationality who last habitually resided in Venezuela) and describes procedures necessary to submit an initial TPS application and apply for an Employment Authorization Document (EAD).
 - Certain USCIS field offices and asylum offices have resumed face-to-face non-emergency services to the public. The USCIS website includes detailed instructions on precautions that individuals attending in-person appointments must follow: <https://www.uscis.gov/about-us/uscis-response-covid-19>. USCIS should continue to post updates to reopening procedures on the USCIS website.
 - USCIS has also announced **additional extended response times** for any Request for Evidence (RFE) or Notice of Intent to Deny (NOID) issued between **March 1, 2020 and June 30, 2021**; responses submitted within 60 calendar days of the initial response deadline set forth in the RFE or NOID will be considered by USCIS. Furthermore, an appeal of a USCIS denial (Form I-290B) will be considered timely if it is filed within 60 calendar days from the date the decision was issued, and that decision was made between March 1, 2020 and June 30, 2021. Here is link to the announcement: [USCIS Extends Flexibility for Responding to Agency Requests | USCIS](#).
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Immigration and Customs Enforcement (ICE)

- ICE recently issued an internal directive, titled “Properly Applying the Unaccompanied Alien Child Definition” which, if implemented, may result in ICE redetermining clients’ unaccompanied child status at various points in a case. KIND issued a practice alert about the memo, available through your KIND contact. On March 4, it was [reported](#) that the memo has been rescinded by the Biden Administration.
- ICE is updating their website at <https://www.ice.gov/covid19>. Individuals scheduled for ICE check-ins are directed to contact their local field office for guidance prior to their scheduled appointment. If you have any questions or concerns, please reach out to your KIND contact.

In addition to the information above KIND’s Training and Technical Assistance Team prepared the following guidance that is available through your KIND contact:

- Managing removal proceeding while observing precautions relating to the COVID-19 pandemic.
- An Alert on Paper and Electronic Signatures During Coronavirus Emergency.
- Guidance summarizing USCIS’ reopening procedures, which were reviewed in a recent stakeholder webinar conducted by USCIS.

Massachusetts State Courts

- On **March 22**, the Trial Court announced that courts will continue to operate at 50% staffing levels within most courthouses or offices through May. Staff are working remotely to enable virtual registries, court service centers, and a range of other [virtual services](#).
- As part of the Trial Court's effort to innovate and streamline services to improve accessibility for court users, the court launched [eDelivery](#) on January 11, 2021 for the electronic distribution of documents and notices to attorneys. This new initiative is part of a larger effort to digitize court operations and transition over time to a paperless environment. eDelivery means that certain court-related correspondence and documents will be emailed to attorneys, rather than sent in paper through the mail.
- All orders, standing orders, guidelines, and notices issued by any court department or appellate court in response to the pandemic, as well as all amendments, modifications, and supplements, including how it is addressing matters (virtually or in-person) are posted upon issuance on the court system's [COVID-19 webpage](#).