
Hughes Hubbard & Reed

Firm Helps Salvadoran Minor Secure Legal Residence

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Hughes Hubbard won a victory for a pro bono client, who received his permanent residency status on Oct. 4, 2016, after a three-year process, enabling him to legally reside in the United States.

In 2013, at 16, the client fled from El Salvador to the U.S. due to unsafe living conditions and neglectful parents. He was caught in Texas, after crossing the U.S.-Mexico border, and was detained by authorities before eventually being released and placed under his uncle's care.

Kids in Need of Defense (KIND) referred the case to HHR in 2014. With help from HHR, the client petitioned for, and was granted, Special Immigrant Juvenile Status (SIJS) eligibility in the Circuit Court of Prince George's County in August 2014. HHR also concurrently filed a motion on behalf of the client to be placed under the legal guardianship of his uncle (a necessary determination for SIJS-eligibility).

Soon after receiving SIJS-eligibility status, HHR persuaded the Department of Homeland Security to end its removal proceedings against the client and submitted an unopposed motion to terminate removal proceedings in October 2015 to the Baltimore Immigration Court. Here, HHR experienced a setback in that the immigration court lost the client's file in the case's transfer to another immigration judge, and HHR thus had to resubmit its motion in February 2016. The removal proceeding was terminated in March 2016.

Meanwhile, in January and February 2016, U.S. Immigration and Customs Enforcement (ICE) conducted massive raids throughout the U.S., causing widespread confusion and worry even among those, like the client, who had not received deportation notices. HHR provided guidance and legal advice to the client in case of any encounters with ICE agents.

In early April, the State Department announced that the category for SIJS visas for children from El Salvador, Guatemala and Honduras was oversubscribed and that USCIS would soon stop adjudicating status adjustment applications for such children. In order to avoid postponing the chance to secure the client's permanent

residence for another year, HHR submitted the client's application for adjustment of status and employment authorization five days after the USCIS announcement.

Six months after the submission, and without an interview, the client received his green card. As one would expect, the client was overjoyed at the news. The client has been living in Maryland, attending high school and working at various jobs to support himself and his family. He plans on joining the Marines soon.

Bill Kolasky, Tien Pham, Alexis Farris and Emma Baker worked on this matter.

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William J. Kolasky



N. Tien Pham