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# Family Court to Get Advice on Issues of Immigration

Joel Stashenko, New York Law Journal

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The state's chief administrative judge, Lawrence Marks, announced Monday the formation of a council to study the impact of immigration issues on Family Court proceedings.

The new Advisory Council on Immigration Issues in Family Court will propose court rules or legislation as needed and will suggest procedures to help the courts or young clients comply with existing programs such as the Special Immigrant Juvenile Status program (SIJS).

Judge Edwina Richardson-Mendelson, administrator of New York City's Family Courts, and Theo Liebmann, a professor at Hofstra School of Law and director of its Youth Advocacy Clinic, will co-chair the council ([See complete list of members](#)).

"We have been seeing an influx of Family Court cases that have immigration-related issues," Richardson-Mendelson said Monday. "Family Courts don't grant immigration status, but we see these issues arising quite frequently in Family Courts across the state."

Richardson-Mendelson said court administrators were urged to form an advisory council by more than a dozen groups that advocate for immigrant rights.

Several other advisory councils advise the chief administrative judge on matters of law and procedure in specialized areas of the law, such as the Matrimonial Practice Advisory and Rules Committee. Recommendations by the advisory panels often result in changes to court regulations, or even statutory changes.



New York City Family Court Administrative Judge Edwina Richardson-Mendelson  
NYLJ/Rick Kopstein

"This is not going to be one of those short-term advisory councils that issues a report and stops its work," Richardson-Mendelson said. "We are a group of judges, attorneys, advocates and experts. We want to find out as much as possible what the areas of the greatest concerns are to the bench and bar and advocate in this area."

Liebmann said the 18-member council will act as a clearinghouse for information on court rulings and changes in government rules on immigration status and how they relate to Family Court proceedings.

"There are an increasing number of ways ... that immigration issues are involved in Family Court proceedings," Liebmann said Monday. "These are things like international adoption issues, Special Immigrant Juvenile Status, and adverse consequences of findings in Family Court."

Liebmann said the council could make an important contribution by doing something as simple as circulating a memo among all Family Court judges advising them of an important court ruling that could affect the immigration status of litigants.

Liebmann said formation of the council was also prompted by the attention focused on the SIJS and allegations contained in reports by WNBC in March that hundreds of youths from the Punjab region of India were filing petitions in Queens Family Court seeking immigrant status under the federal program.

In New York, Family Courts determine whether foreign-born youths under age 21 may get immigrant status by determining if they would be subject to "abuse, neglect, abandonment" or a similar fate should they be reunited with their families in the countries of their birth. The final decision is made by federal authorities.



OCA spokesman David Bookstaver said Monday the OCA "alerted" federal, state and local authorities to the allegations made about the SIJS petitions in Queens Family Court, but that he did not know of instances in which charges were returned.

In the wake of the allegations, Richardson-Mendelson issued an advisory to Family Court judges that it was within their power to demand from the attorneys affirmations in which they swear to the accuracy of the information in their clients' requests for special immigrant status ([NYLJ, May 4](#)).

The co-chairs of the council said they were not given a deadline to report on any particular aspect of the intersection between Family Courts and immigration issues, but to work on a number of goals at once. They include finding ways to better train Family Court judges about immigration issues; finding ways to streamline the processing of often-complex Family Court matters with immigration implications, and improving public education and other programs aimed at the needs of litigants in such cases, state court administrators said.

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