

Speaker 1 ([00:00](#)):

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Caroline Heller ([00:22](#)):

This is Caroline Heller, Chair of Greenberg Traurig's Global Pro Bono program, and litigation shareholder in the New York office. I'd like to welcome you to Greenberg Traurig's Pro Bono podcast, Good in Practice, because everyone has a story.

Caroline Heller ([00:38](#)):

Over the past few years, there's been a lot in the news about children and families arriving at the US border, asking for protection. This is not a new phenomenon. There are lots of reasons that children and families try to seek asylum or obtain status in the United States.

Caroline Heller ([00:57](#)):

It has to do with instability in their home countries, violence, crime, poverty, gangs, gender inequality, discrimination, domestic violence, and persecution. Sometimes children arrive at the US border without a parent or a family member. And these children are designated unaccompanied minors.

Caroline Heller ([01:19](#)):

There are a few paths to citizenship for unaccompanied children. And one such path is called Special Immigrant Juvenile Status. Special Immigrant Juvenile Status or SIJ for short, is available to children and who can show that they cannot be reunified with one or both of their parents due to abuse, neglect, or abandonment, and also that it is not in their best interest to return to their home country.

Caroline Heller ([01:45](#)):

Now, even though this is immigration relief, the process actually starts in family court. The family court has to make a finding that the child is declared dependent on a juvenile court or legally committed to, or placed under the custody of a state agency or an individual.

Caroline Heller ([02:03](#)):

In addition, the court has to make findings that I discussed earlier, that reunification with one or both of the child's parents is not viable due to abuse, neglect, or abandonment, and that it's not in the child's best interest to be returned to his or her country of nationality.

Caroline Heller ([02:20](#)):

Now in most states, a child is considered a minor when they're under the age of 18, but in some states, this relief is available when they're below the age of 21. After the child has obtained a court order that sets forth the requirements for Special Immigrant Juvenile Status, that order, along with an application has to be submitted to the United States Citizen and Immigration Services.

Caroline Heller ([02:45](#)):

Even though this process is fairly complicated, children in these proceedings are not entitled to lawyers. Now when I say child, I mean, it could be an infant, a toddler, a teenager. It doesn't matter what age. These children are not entitled lawyers. So many children rely upon non-profits or pro bono counsel to fill that role, to help provide them due process and the opportunity to obtain SIJ status.

Caroline Heller ([03:09](#)):

This episode of Good in Practice is an interview with one child who came from Honduras, seeking Special Immigrant Juvenile Status, and his attorney from Greenberg Traurig, Jennifer Thomson.

Caroline Heller ([03:22](#)):

Oscar's home country is Honduras. His mother came to the United States when he was young so that she could support him financially, leaving him in the care of his grandmother, who was not able to provide any financial support for the family.

Caroline Heller ([03:37](#)):

Oscar's father had abandoned the family when he was very young and died when Oscar was 10. When Oscar was in sixth grade, he was forced to quit school and work to help support his family. He worked six to seven days a week with really long hours. At one point, he was injured so badly in his job that his hand was nearly severed.

Caroline Heller ([03:56](#)):

He eventually left Honduras to come to the United States to be with his mother when he was 17 years old. Oscar's case was referred to Greenberg Traurig by an organization called Kids in Need of Defense. It was taken by litigation shareholder in the Houston office, Jennifer Thomson.

Caroline Heller ([04:13](#)):

Jennifer's practice focuses on litigation on arbitration, specifically employment, commercial and securities litigation in state and federal courts, and arbitration before the financial industry regulatory authority. But Jennifer also does a lot of pro bono work and she is one of the pro bono coordinators for the Houston office.

Caroline Heller ([04:33](#)):

The following is an interview with Jennifer and Oscar where they talk about Oscar's case and where Oscar is today. And Jen, what can you tell me about what you remember when you first met Oscar and Greenberg Traurig took his case?

Jennifer Thomson ([04:48](#)):

I remember, I had taken Oscar's case through KIND. Victoria, that he mentioned, was the in-house attorney with KIND and I accepted Oscar's case because actually at the time, he was 17. And I recall, I think his case had been pending for a while and no one had stepped up to help him. And I noted that he was 17. And the way that we could help these children who were crossing the border, ended when they turned 18.

Jennifer Thomson ([05:28](#)):

And I remember reading Oscar's story that he had told KIND when they did their intake interview with him and being just so struck by what a difficult life he had had. It came off the page that he seemed to have so much promise, so many things that he wanted to do, that he couldn't do, living in Honduras and the way that he was growing up there.

Jennifer Thomson ([05:57](#)):

He had such a hard life with all of this work and was working such long hours just to keep, I think the family alive. He's with a grandmother who couldn't support the family. And so he, from the time he was a kid, he was having to work to support the family.

Jennifer Thomson ([06:15](#)):

He wanted to go to school, but couldn't go to school. And all these things just spoke to me. And I remember thinking, if somebody doesn't help him before he turns 18, no one can help him. He will go back to Honduras. And I just, I felt like I really wanted to help him.

Jennifer Thomson ([06:33](#)):

And I remember when he came in for the first time and we met, he was very shy.

Oscar ([06:38](#)):

Yeah, I was.

Jennifer Thomson ([06:42](#)):

And he was super polite, which is just great. But it was funny. Now, I'm seeing him now and talking to him now, he's not so shy anymore. But you could tell from the very first that he was someone who had a great life ahead of him and I wanted to help him get there.

Caroline Heller ([07:06](#)):

So Oscar, why don't you tell us a little bit about how it came that you left Honduras seven or eight years ago, and what happened when you came to the United States?

Oscar ([07:16](#)):

I left back home because my mom was over here in the US and I was actually looking for a second chance in my life when I left back home. And I really thought that coming to the US will change my whole life. And that's why I decided to leave Honduras.

Caroline Heller ([07:39](#)):

My understanding is that your mom was in the United States and your dad, he's deceased. He died when you were younger and you had been living with your grandmother?

Oscar ([07:50](#)):

Yes, ma'am. That's right. My dad passed away when I was seven years old, but my mom, she left us, I think a year before my dad passed away. So she left us with my grandmother.

Caroline Heller ([08:06](#)):

And can you tell me a little bit about what you remember about what your life was like with your grandmother in Honduras?

Oscar ([08:11](#)):

Yeah. My grandma was, she tried to take good care of us, but she was older and she couldn't keep up with all of us. And by the time we were hitting our teenage years and we can get pretty excited.

Oscar ([08:28](#)):

But in those years though, it was hard for us because we needed someone to be with us there, and I didn't have anyone else to take care of me. So it was pretty hard. It was hard.

Caroline Heller ([08:45](#)):

And how old were you when you came to the United States?

Oscar ([08:48](#)):

When I came to the US, I think I was just 17 years old when I came in.

Caroline Heller ([08:53](#)):

And in Honduras, right before you left or in the time before you left, had you been in school or were you working?

Oscar ([09:03](#)):

When I left Honduras, I was working. I think I only did until the sixth grade over there in Honduras. So I started working when I was 13. So by the time I decided to come here, I had probably three or four years already working.

Jennifer Thomson ([09:18](#)):

I remember from hearing your story initially, and I was struck by, at such a young age, I think you were working such long hours.

Oscar ([09:30](#)):

Yes. We used to work honestly from 6:00 a.m. through probably to 5, 6, 7. We didn't have really, a scheduled time. We were working until the work was done, so pretty much we had long hours. Long hours, yeah.

Jennifer Thomson ([09:46](#)):

And weekends too, right?

Oscar ([09:48](#)):

Yes, ma'am. The weekends. The weekend was a must do, that we had to work every day, even the weekends.

Jennifer Thomson ([09:54](#)):

I think on one of his jobs, he'd become very severely injured. He almost lost his hand. And I think he had to pay, his family who didn't have as much money to begin with, had to pay out of pocket for all of the medical assistance that he got.

Jennifer Thomson ([10:11](#)):

And I can imagine, that must've been a scary thing for him. He was working all these jobs and working these crazy hours. He doesn't have a father around, he's living with his 61 or 62-year old grandmother who can't work herself.

Jennifer Thomson ([10:32](#)):

He has not had a chance to have the childhood that we would wish for our kids. And he comes here and he's 17. He deserves to have the life we would all want for our kids. And I'm just so grateful that I was able to help.

Oscar ([10:53](#)):

Yes, I almost lost my hand when I was 16 and honestly, that was the switch. After that moment, I had to stop myself and think, and be like, "What am I doing with my life? What is it that I want to do from now on?" Because back home, it's hard already with two hands, imagine with one?

Oscar ([11:21](#)):

I was like, "I can't do this." That's how I decided that I needed to leave back home, that I needed to come somewhere like with my mom or somewhere that I was going to be able to do something different than I was doing.

Oscar ([11:38](#)):

That was my hand, but I could have probably lost my life that day in there. And now when you think back and you think all the things that I went through, that probably is nothing. There's probably people that they probably went through wars and I was just lucky enough to be able to get the chance that I really wanted it.

Oscar ([12:03](#)):

But it's not because I wanted it, it's because I needed it. I really needed this chance and finding the right people, meant it was just what we needed.

Caroline Heller ([12:16](#)):

Oscar, why don't you tell us a little bit about after you came to the United States? How did you come about to meet Jennifer?

Oscar ([12:23](#)):

Well, when I crossed the border, we were arrested by immigration. So I went to the program, I can't remember the name. I think it was [inaudible 00:12:35]. I think that was the name of that program. Then after that, I spent two months over there. I can't remember the exact location, but it was in San Antonio.

Oscar ([12:48](#)):

Then two months after I was there, they sent me to my house. I mean, to be with my mom. They let me go with my mom and then they gave us, I think it was a phone number for someone that was going to help us to get a lawyer. And that's how my mom got in contact with Ms. Jennifer and Ms. Victoria. And that's how we started with her. I think that was the best thing we did, I think reaching out to them.

Caroline Heller ([13:19](#)):

Well, I'm interested in hearing a little bit about that. So Oscar, you had been to school through sixth grade, you come here when you're 17, obviously you have to start school. What was that experience like for you? And I assume, and correct me if I'm wrong, that you were not an English speaker when you first came here. So what was that like going to school, starting as an English language learner?

Oscar ([13:47](#)):

I can say that was pretty hard. But I mean, that would be hard for anyone trying to learn any language, I believe. But yeah, like I said... Well, I didn't want to go to school at first, but my mom told me, she was like, "You really have to go to school, Oscar. If you want to change your life, education is going to be the key."

Oscar ([14:11](#)):

And that got into my mind. And then I started going. I didn't like it at first, but I started pushing myself to learn and to learn and to learn and not to give up. And time went by, and I started learning little by little. I can say day by day. And I think at the end, I actually did my best and then everything actually was worth it at the end.

Oscar ([14:38](#)):

All the things that I decided to do, I was able to do it. I was able to accomplish what I wanted to do.

Caroline Heller ([14:52](#)):

So Oscar, why don't you tell me a little bit about graduation from high school? How old were you when you ended up graduating?

Oscar ([14:59](#)):

When I graduated from high school, I was 21. That was in 2015. And actually, I couldn't believe it. In the last month of school, I was invited to the senior honor night. And I remember that I wasn't aware that I was one on the invited persons for that special night.

Oscar ([15:23](#)):

That's one of the huge nights that everybody dreams about is, they say that you want to be there that night. And someone like me, I was thinking how someone like me is going to be able to be there that night.

Caroline Heller ([15:35](#)):

So this was a special night where they were honoring seniors who stood out for one reason or another?

Oscar ([15:40](#)):

Yeah. That was the top class, how they call it, top class of the whole 2015 class. I remember being there and there were only 40 chairs there. And I was like, "Okay, if there's only 40 chairs and I'm the 41, so what am I doing here? Am I not going to be able to get a chair?"

Oscar ([16:01](#)):

And then I saw one of the teachers, one other person that was there and they went, they grabbed a chair and they put it there. And then they start calling every student name. They were calling everyone there and I was just sitting there, I was just waiting for my turn. And I was just like, [inaudible 00:16:18].

Oscar ([16:18](#)):

I was nervous. I mean, I was really nervous because I was like, "What am I doing here? Why did they send me the letter? I think that's probably a mistake." And then when they finally called my name, because I was the last person, they called my name and they were like, "We've got one student over here that he didn't know. I mean, he just found out this morning that he was going to be here tonight."

Oscar ([16:40](#)):

But we just want to let him know that we all saw the sacrifice that he'd been doing for the last two years, that he is a hard worker and he's one of the kids that he comes early to the school, he goes to tutorial, he does his homework during lunch and he stays after school. He is also in the ROTC."

Oscar ([16:56](#)):

That was a military class. "And he's just been a hardworking kid and we want to give him..." I think it was a recognition that they gave me that night.

Oscar ([17:08](#)):

And my mom, I remember looking at my mom and mom was crying. I guess she couldn't believe it. I mean, not even I couldn't believe it that I was there that night. And after that night, we graduated and it was cool.

Oscar ([17:22](#)):

I think there's no words I can say what I felt that day when I received my high school diploma because honestly when I was back in Honduras, I didn't have the choice. I was just going to be a regular guy, someone who's just going to work his whole life in construction and probably, I don't know what else.

Oscar ([17:42](#)):

But I mean, that was my future and I'm glad that God got me to come and him and my mom helped me out, and then we met Ms. Jennifer. I mean, everything went from there.

Oscar ([17:58](#)):

Like I said, I have to give Ms. Jennifer credit, I mean the whole credit because if she wouldn't take my case, if she would've just probably swipe out, probably skipped me, I wouldn't be here today.

Caroline Heller ([18:14](#)):

So not only did you work so hard in high school that in four years you graduated, got this amazing recognition and you were also in the ROCT?

Oscar ([18:25](#)):

Yes, ma'am. I was in ROTC, the Navy ROTC.

Caroline Heller ([18:28](#)):

What made you decide to join the Navy ROTC?

Oscar ([18:32](#)):

Now that you're asking, I'd always been passionate about being a soldier or being in the Marines. I was in high school and that's what I wanted to do. I really wanted to do that because it'd been one of my passions, honestly.

Oscar ([18:46](#)):

But when I was in high school, I think I found ROTC a good class. I can learn some stuff from there that I can probably help myself to understand better in all the cultures. I mean, in the US, they really appreciate, they really admire the people that go to the army, the Marines. And since I like it, I was like, "Let me join the class and let me see it."

Oscar ([19:12](#)):

I actually signed up for the Marines and I was about to go. I had everything ready and then I remember my mom, she talked to me that day and she was like, "Oscar, I know that you really want to do this, but I just want you to know that I don't have anyone else and you're the first kid in here, in your generation that is going to do this. And I'm just scared. I'm just scared that you'll go and something happens to you."

Oscar ([19:36](#)):

She was just like that. And I was like, "Mom, you're probably right because you never know." So I was like, "No, let me back up a little bit on that and let me see what else I can do. And then if I cannot find anything else, then I'm going to re-enlist and do what I always wanted to do."

Oscar ([19:52](#)):

But then that's how I started going to IT tech, to that school. And I was doing engineering and electronics. And after that time, I got a good job. And then I just started working. I was like, "You know what, let me focus on logistics because I really found a passion in logistics."

Oscar ([20:11](#)):

I mean, I love what I do now. And I think I just want to keep doing what I do right now.

Caroline Heller ([20:16](#)):

Tell me, what are you doing now? What's your job?

Oscar ([20:18](#)):



My job right now, I'm doing imports and exports, ocean freight. And we're moving wine from the US to the other countries and from Italy, from France to the US.

Caroline Heller ([20:33](#)):

So Jen, let's step back a little bit. And why don't you tell me a little bit about the process when you took Oscar's case? What steps did you have to take next, in order to get him a legal status in the United States?

Jennifer Thomson ([20:48](#)):

The first thing was to go to the family court and obtain what is known as a predicate order. The family court had to decide, and we had to prove basically that Oscar qualified for relief under this federal statute. Basically we had to show that he had been abused, abandoned, or neglected by one or both of his parents and that it wasn't in his best interest to go back to his country of origin.

Jennifer Thomson ([21:23](#)):

We, I think were able to make that proof by showing that Oscar's father, he was deceased as Oscar mentioned. But before that, his father had not really been a part of his life. He had abandoned him at a fairly young age. And so we were able to meet that aspect of the statute and just show that because of what Oscar had gone through in Honduras, that being reunited with his mother here in the US was in his best interest.

Jennifer Thomson ([21:55](#)):

And so we went before the judge and we obtained that order. And then once you have that order, you can apply for the Special Immigrant Juvenile Relief with the USCIS. When that is granted, you go to adjust the status, which is what ultimately resulted in Oscar getting his green card and obtaining his permanent residency.

Caroline Heller ([22:22](#)):

And Oscar, did you have to testify in court, in the family court? Do you remember?

Oscar ([22:28](#)):

I think I did, but I just don't remember exactly how, because like I said, since I didn't speak English, I really would be lying if I said I remember what I said. I remember my mom talking to the judge. I remember that, but I don't remember myself speaking to him.

Caroline Heller ([22:46](#)):

Jen, do you remember? Did Oscar testify or was it only his mom?

Jennifer Thomson ([22:49](#)):

I think it was only his mom. I believe Oscar was there and ready to testify if the judge wanted to hear from him. But I think we had put in, I believe an affidavit from Oscar that described what his life was like and everything he'd been through. And so I think in the end, the judge was satisfied after hearing just from his mother.

Caroline Heller ([23:11](#)):

So after you obtained the order, you filed with USCIS to get an approval for him to get his green card. Do you remember Oscar, the day that Jennifer told you, you had been approved for your green card?

Oscar ([23:27](#)):

We were so excited. My mom was crying. We couldn't believe it. I remember we even took a picture. I think I still have that picture that we took.

Oscar ([23:37](#)):

Like I say, we were just excited, crying because we couldn't believe it. I couldn't believe it that I actually got my resident card. I mean, it was just something special. It was just something that none of us honestly, could believe it that day.

Jennifer Thomson ([23:54](#)):

Oscar and his family took me to dinner to thank me for what we had done. And I will never forget this. This is one of the most special moments in my entire legal career and in my life even. I mean, we had this wonderful pleasant dinner, but Oscar who by now had spoke English quite well, well enough at this point to speak to me in English because unfortunately I don't speak Spanish.

Jennifer Thomson ([24:25](#)):

So he came with English for me and he thanked me and told me what obtaining his green card meant for him and his future life. And he cried, I cried, his mom cried and Oscar, he gave me something he had made. It was in art in his high school, he was, I think then taking art classes in high school.

Jennifer Thomson ([24:52](#)):

And he had made, it was a tile with a seahorse painted in blue and carved into this tile. It was really beautiful. I still have it hanging on the wall of my office. And he even said that people, they had done an art show at his school and someone wanted to buy it from him, but he refused to sell it because he wanted to give it to his lawyer.

Jennifer Thomson ([25:15](#)):

I'll never forget that night. It was amazing to see what it meant for him and his family.

Caroline Heller ([25:21](#)):

I'm going to start to cry. I'm curious about something. So our firm does a lot of cases with children, trying to get them Special Immigrant Juvenile Status. And I think that being a teenager in general is difficult, coming to a new country where you don't speak the language, where the culture is different, where you've left behind everything that's familiar from your familiar food, your familiar routine, it's very hard to come here and adjust emotionally.

Caroline Heller ([25:53](#)):

And sometimes some of the children who come here have a lot of difficulty with that adjustment. And it sounds like as challenging as school was, you really put yourself into a place where you put your best foot forward. And you had faith in yourself that you were going to do this, that you had to do this.

Caroline Heller ([26:14](#)):

How do you think you did that? What do you think it was that helped remove you to do the best that you could, even though it was really different to be here?

Oscar ([26:26](#)):

I think one of main things that made me do everything was that I wanted to do it the best I could. And also because I had people, they were supporting me. They were my support.

Oscar ([26:41](#)):

First of all was my mom. And then I hired Ms. Jennifer, Ms. Victoria. I saw that they really wanted to help me, that they really were pushing for me. And I was like, "I wanted to do this. They want to help me. Why we cannot get this done? Why I cannot pull more on myself?"

Oscar ([27:01](#)):

I was like, "I know it's going to be hard and it's not going to be easy, but let me try it, let me do this." And because I had people that they really cared about me, that's why I was able to do it. If you show the support, and if you feel like someone is supporting you all the way, trust me, you're going to do it.

Oscar ([27:20](#)):

And sometimes that's what we need. We need more support because like I said, back home, that's what we missed. We don't have that. We don't have that support. We don't have someone helping us, someone that, we're going to do whatever it takes to do it.

Oscar ([27:37](#)):

I think that's what I would say how I did it because I had a great team. My mom, my lawyer's, I mean, everything. It was just a moment. And I put in the effort in myself as well, and I did the best I could.

Oscar ([27:51](#)):

And now I'm pretty sure that there's a lot of kids out there that, that's what they need. They just need someone to show them that they are for them, that they can actually get some help, some family that they need. They really need support because immigration, not everybody knows about immigration.

Oscar ([28:11](#)):

No one's going to know every detail of the law, but if you have someone to guide us, eventually it's just going to work, eventually people are just going to do whatever they need to do to be able to do that.

Caroline Heller ([28:29](#)):

And I understand that you are now a US citizen?

Oscar ([28:32](#)):

I am. I thank God and I thank Ms. Jennifer.

Caroline Heller ([28:36](#)):

Congratulations!

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Oscar ([28:38](#)):

I'm a US citizen now and if I was doing great back then, I'm going to do even greater this time, because now I've got more opportunities to do. Now I can actually work for Costa, now I can actually go and work somewhere else. And I don't have to worry that I have to be back in six months. It's just that.

Oscar ([28:58](#)):

I mean, like I said, my life had changed a lot. I cannot even describe how much that changed because it has changed so much that I can't keep up with all of it. I just go with the flow. I just enjoy the ride. And I'm not worried about it anymore, losing anything.

Oscar ([29:14](#)):

For the great gift that Ms. Jennifer gave me because if she wouldn't fight for me, I know that wouldn't happen. That would not happen. Like I said, it's something that is impossible. It's something that not all of us are able to do.

Oscar ([29:28](#)):

Not all of us are able to stand there and wait for your citizenship. So I was in [inaudible 00:29:34] and then I had my family in the car and they were just waiting for me to grab it and run out. And be like, "Hey, here you go. Now we made it. We made it."

Oscar ([29:43](#)):

But no, like I said, it was actually a nice... We went for a dinner and then we went to take some pictures with all of us, like I said. It's something that, like I say, it's really hard to get. It's really hard to get and being someone like me, able to get, it's just priceless. You don't put a price to that. You just felt that.

Caroline Heller ([30:09](#)):

Well, you and I have spoken a couple of times, but I think that we're lucky to have you.

Oscar ([30:15](#)):

No, I'm very lucky.

Caroline Heller ([30:15](#)):

We're very lucky.

Oscar ([30:17](#)):

Trust me, I'm very lucky to have y'all.

Caroline Heller ([30:22](#)):

Thanks for listening to Greenberg Traurig's Pro Bono podcast, Good in Practice. I'm your host, Caroline Heller, Chair of Greenberg Traurig's Global Pro Bono program, and litigation shareholder in the New York office.

Caroline Heller ([30:35](#)):

This transcript was exported on Jul 19, 2021 - view latest version [here](#).

Today, I interviewed litigation shareholder in the Houston office, Jennifer Thomson, and her client, Oscar, about his journey to the United States and his path to United States citizenship. I hope you've enjoyed this episode and that you join us next time for another pro bono story.