

AFFIDAVIT OF [GUARDIAN]

STATE OF NEW YORK]
 : S.S.:
COUNTY OF NEW YORK]

I, [GUARDIAN], being duly sworn, depose and say:

1. I understand that I do not have an attorney, but my grandson's attorney is helping me with this affidavit so that we can move forward with his case. I am submitting this affidavit in support of my grandson's petition for guardianship and motion for special findings.

2. I do not speak, read, or write in English fluently. The contents of this statement were narrated by me in Spanish. This statement was read to me in Spanish to verify that all of the information is true and correct. All of the information is true and correct to the best of my belief.

3. My name is [GUARDIAN] and I am 54 years old. I was born in Santa Ana, El Salvador on [DATE]. I currently live at [ADDRESS], with my grandson [CHILD'S FULL NAME] ("[CHILD]"). I am the grandmother of [CHILD'S FULL NAME] ("[CHILD]") and the mother of [CHILD]'s mother, [MOTHER].

4. From the day he was born, I have financially and emotionally supported [CHILD] throughout his life. I lived with him and his mother in Santa Barbara, El Salvador, from his birth to when he was 5 years old. At that time both his mother and I worked. I worked in a small restaurant and selling clothes, and his mother [MOTHER] worked as a waitress. But my daughter [MOTHER] had a lot of health problems that made it difficult for her to work long hours – she has bad asthma and diabetes.

5. [CHILD] never knew his biological father, and I never knew his father either. [CHILD]'s mother [MOTHER] was only 16 when she gave birth to [CHILD], and despite my questions about the father, she always refused to tell me about him, apart from the fact that, before [CHILD] was born, his father had abused her and threatened her. She never told me anything else about him, until finally, a couple of months ago, [MOTHER] revealed over the phone to [CHILD]'s attorney that [CHILD]'s father's name is, or was, [FATHER'S NAME]. None of us know now if he is alive or dead, or where this man is. All I know is that his father has never once met or tried to contact [CHILD].

6. When [CHILD] was about 5 years old, I made the decision to come to the United States, so that I could find work and make enough money to provide for all of my children and grandchildren in El Salvador. I came to live in Queens, and I quickly found work as a nanny. Right away, I started sending most of my money home to [MOTHER] to help her provide for [CHILD] and his little brother and sister. I would send them \$200 per week for food, and I would also send them money on top of that every week for other expenses, like school supplies and clothes. Soon after I moved to the U.S., I was able to send back enough money to my family to build a house for [MOTHER] and her children in El Salvador.

7. After I moved to the U.S., [MOTHER]'s asthma got so bad that she stopped working completely. She is not currently working. She and her two younger children in El Salvador, [CHILD]'s brother and sister, ___ and ___, continue to rely on my financial support.

8. When [CHILD] was 13 or 14 and going to school in El Salvador, the gang Calle 18 started to harass him and threaten him. It got so bad that he quit school, because it was at school that the gang would catch him and beat him up, and also on his way to and from school. From the U.S., I warned [CHILD] and my daughter [MOTHER] to keep [CHILD] off the streets as much as possible, so the gangs could not hurt him – especially Calle 18, which had been responsible for the murder of [CHILD]'s uncle in the past. To avoid the gang, [CHILD] started working full time on a farm instead of going to school.

9. Quitting school did not save [CHILD] from the gangs. He had started to work full-time on a farm, when one day he witnessed Calle 18 members moving a dead body wrapped in a sheet. Not long after that, gang members kidnapped him from his house. They blindfolded him and took him to a house where they beat him and threatened to set him on fire and kill him because he kept refusing to join them. Thank god, he managed to escape from them, and he ran home.

10. When [MOTHER] and [CHILD] called me and told me what had happened after [CHILD] was kidnapped, I said that is it – [CHILD] is coming to live with me in the U.S., where he will be safe. There is nothing and nobody in El Salvador who can keep him safe from this gang, so he has to come and live with me. Thank God, that is exactly what happened – [CHILD] traveled through Mexico and Guatemala and crossed the U.S.-Mexico border in May of 2015. Immigration put him in a shelter for children, and I submitted my fingerprints to them so that they could run a background check on me so I could be [CHILD]'s sponsor. A few months later,

immigration released [CHILD] to my care and I brought him to Queens to live with me. We have lived together ever since.

11. There is nothing I will not do for my grandson [CHILD], to protect him and keep him safe. He calls me “mom,” and in truth I view him as my son. I need him to stay by my side, where I can continue to protect him and care for him. For the past four years, [CHILD] has lived with me, and I have paid for his clothes, shoes, food, school supplies, cellphone, and everything else he needs. Shortly after [CHILD] moved in with me in Queens, I enrolled him in the Pan American High School, which he attended for three years. I found a lawyer to represent [CHILD] in his immigration case, and I enrolled him in health insurance. I take off work whenever he needs me for medical appointments or for his immigration hearings. I will do anything for [CHILD].

12. Last year, [CHILD]’s son, ____, was born. [CHILD] is a wonderful father, and I know he wants to work hard to be the best father he can be. I help him take care of the baby – I babysit whenever I can get some time off work, I help [CHILD] and his girlfriend pay for diapers and baby food, and I try support him every way I can.

13. I do not want to think about what would happen to [CHILD] if he goes back to El Salvador. His mother, [MOTHER], has told me that the Calle 18 gang is still looking for [CHILD], and the gang continues to make threats against her and [CHILD]’s little siblings. I have no doubt that returning to El Salvador would mean [CHILD]’s death at the hands of the gang. He still cries and cannot speak when he tries to talk about what the gang did to him in El Salvador.

14. In New York, I give [CHILD] love and support, and I try to be the best possible role model I can be. Most importantly, I can keep him safe. He is finally able to have safe and happy life here in New York, something he never could have in El Salvador.

15. For all the reasons described above, I hope the Court can make the necessary findings of fact so that my grandson [CHILD] may apply for Special Immigrant Juvenile Status.

Pursuant to NY CPLR § 2106 (as amended 2024), I affirm this ____ day of _____, _____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Date

[GUARDIAN'S FULL NAME]

I, _____, certify that I am competent to translate English into Spanish and that I have read and translated this affidavit to [GUARDIAN] to the best of my abilities. Pursuant to NY CPLR § 2106 (as amended 2024), I affirm this ____ day of _____, _____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Signature of Translator