



### Special Immigrant Juvenile Status (SIJS) Case Theory and Evidence Matrix

Legal Requirement <sup>1</sup>			Considerations	Relevant Facts	Supporting Documentation
Physically present in the U.S.			<ul style="list-style-type: none"> <li>Must be physically present through adjudication of the I-360.</li> </ul>		
Unmarried			<ul style="list-style-type: none"> <li>Were they ever married?</li> <li>What is the current marital status?</li> </ul>		
Under 21 on the date of filing the I-360 petition			<ul style="list-style-type: none"> <li>Must be under 21 on the date of filing the I-360, not the I-485.</li> </ul>		
Valid state court order with certain determinations					
	Valid state court order				
		Issued under state law	<ul style="list-style-type: none"> <li>What is the state law basis for each of the determinations?</li> <li>Does the court have subject matter jurisdiction?</li> <li>Who will file the lawsuit?</li> <li>Who do you need to serve notice and how?</li> <li>Do you need personal jurisdiction over anyone?</li> </ul>		
		Continuing jurisdiction of court	<ul style="list-style-type: none"> <li>Will the state court order remain in place until the age of majority?</li> </ul>		

<sup>1</sup> Be sure to consult the SIJS statute, 8 USC §1101(a)(27)(J) and the USCIS Policy Manual Regarding SIJS: <https://www.uscis.gov/policy-manual/volume-6-part-j>.

Legal Requirement <sup>1</sup>			Considerations	Relevant Facts	Supporting Documentation
	Judicial determination about custody or dependency				
		Custody	<ul style="list-style-type: none"> <li>Who is granted custody?</li> <li>What is the legal basis for granting custody?</li> </ul>		
		Dependency	<ul style="list-style-type: none"> <li>What is the state law basis for dependency?</li> <li>What is the type of suit used?</li> <li>What intervention regarding care/custody or child welfare services is the court providing?</li> </ul>		
	Judicial determination about parental reunification				
		Abuse, neglect, and/or abandonment (or similar basis under state law)	<ul style="list-style-type: none"> <li>What is the ground?</li> <li>What is the state law basis?</li> <li>For example, if the ground is abuse, is the citation of the statute for abuse identified in the order?</li> </ul>		
		By a parent	<ul style="list-style-type: none"> <li>Which parent perpetrated the abuse/abandonment/neglect?</li> <li>Is the parent listed on the birth certificate?</li> <li>Is there adjudication of parentage, if necessary?</li> </ul>		

Legal Requirement <sup>1</sup>			Considerations	Relevant Facts	Supporting Documentation
		Making reunification not possible	<ul style="list-style-type: none"><li>• Which parent(s) mistreated?</li><li>• How is the mistreatment connected to non-viability of reunification?</li><li>• What rights does the offending parent retain?</li></ul>		
	Judicial determination about best interest (regarding placement of child)		<ul style="list-style-type: none"><li>• What is the state law basis for best interest finding?</li><li>• What are the critical factors for determining best interest?</li><li>• Why is the person/institution with custody the best person to care for child?</li></ul>		
Warrants USCIS consent (i.e., approval of I-360)					
	Bona fide state court order		<ul style="list-style-type: none"><li>• Does the order protect the child and provide relief from abuse, neglect, abandonment, or a similar basis under state law?</li><li>• What relief does it grant?</li></ul>		
	State court order (or other evidence submitted to state court) shows factual basis for		<ul style="list-style-type: none"><li>• Is there a factual basis for the placement of the child?</li></ul>		

Legal Requirement <sup>1</sup>		Considerations	Relevant Facts	Supporting Documentation
	legal determinations made under state law	<ul style="list-style-type: none"> <li>• Is there a factual basis to support the ground (abuse, neglect, abandonment, and/or similar basis under state law)?</li> <li>• Is it clear which parent the ground applies to? Is this supported by a factual basis?</li> <li>• Is there a factual basis for the best interest determination?</li> </ul>		
If in ORR custody, may also require specific consent from the Secretary of HHS		<ul style="list-style-type: none"> <li>• Is the child in the custody of ORR?</li> <li>• Does the order alter the custody state or placement of the child?</li> </ul>		

**\*\*\*This is not legal advice. This is for informational purposes only and should not substitute your own research and analysis. This is not an exhaustive list of what to consider when working on a case related to SIJS. We simply wanted to help get you started in your case analysis and development.\*\*\***