

# Special Immigrant Juvenile Status

## What is Special Immigrant Juvenile Status?

Special Immigrant Juvenile Status (SIJS) is a federal law that assists certain undocumented or alien children in obtaining legal permanent residency (LPR status). Specifically, SIJS is for children outside the care of their parents who are dependent on a state court due to abuse, abandonment, or neglect. The definition of a Special Immigrant Juvenile (SIJ) is found at INA §101(a)(27)(J). The statute that details SIJS is found at 8 C.F.R. 204.11.

## Who Qualifies for SIJS?

According to 8 C.F.R. 204.11, an alien is eligible for classification as a special immigrant under INA §101(a)(27)(J) if the alien:

1. is under 21 years of age,
2. is unmarried,
3. has been declared dependent upon a juvenile court located in the United States in accordance with state law governing such declarations of dependency, while the alien was in the United States and under the jurisdiction of the court,
4. has been deemed eligible by the juvenile court for long-term foster care,
5. continues to be dependent upon the juvenile court and eligible for long-term foster care, such declaration, dependency or eligibility not having been vacated, terminated, or otherwise ended; **and**
6. has been the subject of judicial proceedings or administrative proceedings authorized or recognized by the juvenile court in which it has been determined that it would not be in the alien's best interest to be returned to the country of nationality or last habitual residence of the beneficiary or his or her parent or parents.

6) Has been the subject of judicial proceedings or administrative proceedings authorized or recognized by the juvenile court in which it has been determined that it would not be in the alien's best interest to be returned to the country of nationality or last habitual residence of the beneficiary or his or her parent or parents; or

(7) On November 29, 1990, met all the eligibility requirements for special immigrant juvenile status in paragraphs (c)(1) through (c)(6) of this section, and for whom a petition for classification as a special immigrant juvenile is filed on Form I-360 before June 1, 1994.

As long as the finder of fact can verify the above, SIJS is quite generous. Those juveniles who are out of status or who have entered without inspection (EWI) can adjust. Those who are paroled into the US can also adjust with SIJS, but not if in ICE custody unless ICE paroles the person to the custody of a state welfare authority or other entity that can petition a state juvenile court.

### **How Does a Juvenile Apply for SIJS?**

The application that must be submitted on an I-360 form. The form must be supported by:

- 1.) a court order declaring dependency,
- 2.) a court order determining the juvenile eligible for long-term foster care due to abuse, neglect, or abandonment,
- 3.) a determination from an administrative or judicial proceeding that it is in the juvenile's best interest not to be returned to his or her parents' country of nationality, and
- 4.) proof of the juvenile's age.

DHS encourages applicants to file the I-485 with the I-360. A list of other forms that should be filed in accompaniment to the application for SIJS are listed below in the "Relevant Forms" section.

## **SIJS Resources**

- *Special Immigrant Juvenile Status: For Children Under Juvenile Court Jurisdiction* (Immigrant Legal Resource Center, 2005). A comprehensive guide to SIJS published by a California-based national training and resource center.  
<http://www.ilrc.org/resources/sijs/2005%20SIJS%20manual%20complete.pdf>
- *The Center for Human Rights and Constitutional Law's Special Immigrant Juvenile Status (SIJS) Manual* (The Center for Human Rights and Constitutional Law, 2004). A guide in brief to different forms of relief available to immigrant children, the procedures required, including a short description of SIJS.  
[http://immigrantchildren.org/documents/Final\\_Manual.pdf](http://immigrantchildren.org/documents/Final_Manual.pdf)
- *Special Immigrant Juvenile Status Manual* (Public Counsel Law Center, 2009). A comprehensive guide to SIJS published by the largest pro bono public interest law firm in the world. Although it deals primarily with California cases, it presents SIJS in a very detailed way, giving you a step-by-step journey through the USCIS process.  
<http://www.publiccounsel.org/publications/SIJS%20Manual%202009.pdf>
- *Special Immigrant Juvenile Status: Pathway to Permanency* (Immigrant Child Advocacy Project, 2010). A power point addressing qualifications, procedures, and steps to be taken in Minnesota when representing a potential SIJS applicant. Includes links to other resources not listed herein.  
<http://www.casamn.org/clientimages/40115/2010conferencehandouts/mn-galsijspresentation-sscompatibilitymode.pdf>

- *Special Immigrant Juvenile Status in Florida: A Guide for Judges, Lawyers, and Child Advocates* (University of Miami School of Law, 2007). Although Florida-specific, this guide has some very useful sample forms, affidavits, and letters in the appendices. [http://www.law.miami.edu/pdf/SIJ\\_Manual.pdf](http://www.law.miami.edu/pdf/SIJ_Manual.pdf)

## **Relevant Forms**

The application for SIJS itself, along with the suggested accompanying applications and forms can all be found at:

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=db029c7755cb9010VgnVCM10000045f3d6a1RCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD>

- G-28 <http://www.uscis.gov/files/form/g-28.pdf>
- G-325a <http://www.uscis.gov/files/form/g-325a.pdf>
- I-360 <http://www.uscis.gov/files/form/i-360.pdf>
- I-485 <http://www.uscis.gov/files/form/i-485.pdf>
- I-765 <http://www.uscis.gov/files/form/I-765.pdf>