



# U.S. Citizenship and Immigration Services

## Special Immigrant Juvenile Status: Information for Child Welfare Workers

### What is Special Immigrant Juvenile Status?

Some children present in the United States without legal immigration status may be in need of humanitarian protection because they have been abused, abandoned, or neglected by a parent. Special Immigrant Juvenile (SIJ) status is an immigration classification that may allow for these vulnerable children to apply immediately for lawful permanent resident status (“LPR” status or a “Green Card”).

### Who is Eligible?

A child must be unmarried, under 21 years of age at the time of filing with U.S. Citizenship and Immigration Services (USCIS), physically present in the United States, and have a qualifying juvenile court order. The order must include the three following findings:

- The child is dependent on the court, or legally committed to or placed under the custody of either a state agency or department, or an individual or entity appointed by a juvenile court.
- Reunification with one or both of the child’s parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law.
- It would not be in the child’s best interest to be returned to his or her country of origin.

### What is the Role of the Child Welfare Worker?

The child welfare worker identifies children who may be eligible and ensures that the child receives assistance with his or her immigration case. The child welfare worker may also provide psycho-social assessments and reports to the juvenile court. These reports assist the juvenile court in making the factual findings for the court order which USCIS requires for SIJ eligibility. In addition, the child welfare worker may collect necessary documents for the child’s SIJ petition to USCIS, such as proof of the child’s age.

### What is the Process to Obtain SIJ Classification and Lawful Permanent Resident Status?

1. Obtain a juvenile court order that contains the required findings.
2. Apply to USCIS by filing USCIS forms and paying any corresponding fees or requesting fee waivers:
  - o **Form I-360**, Petition for Amerasian, Widow(er), or Special Immigrant, and supporting documents. Note that approval of Form I-360 confers SIJ status, but does not confer permanent residency.
  - o **Form I-485**, Application to Register Permanent Residence or Adjust Status, and supporting documents. If possible, filing this form at the same time as Form I-360 is recommended. This form must be filed and approved in order to obtain a “Green Card,” which is a key step towards U.S. citizenship.
  - o Related USCIS forms if necessary, including, but not limited to: **Form I-765**, Application for Employment Authorization; **Form I-601**, Application for Waiver of Grounds of Inadmissibility; and **Form I-912**, Request for Fee Waiver.
3. Attend USCIS appointments such as:
  - o Biometric services appointment (fingerprinting and photographs) for children ages 14 and older
  - o Interview(s)

## Helpful Tips for Child Welfare Workers

- **Laws and Regulations:** The Immigration and Nationality Act (INA) **INA 101(a)(27)(J)** establishes the definition of a Special Immigrant Juvenile. This definition can change by acts of Congress. For example, the Trafficking Victims Protection Reauthorization Act of 2008, **Pub. L. 110-457** amended the SIJ **definition**. These statutory changes supersede portions of the federal regulations relating to SIJ status.
- **Factual Basis for Juvenile Court Order:** In order for a child to be eligible for SIJ status, USCIS must determine that the juvenile court order was sought primarily to obtain relief from abuse, neglect or abandonment, rather than primarily to obtain an immigration benefit. Template orders are usually not sufficient to establish this. The court order should include the factual basis for the findings on parental reunification, dependency or custody, and best interests. Alternatively, the child may submit separate findings of fact, records from the judicial proceedings, or affidavits summarizing the evidence presented to the court.
- **Age and Juvenile Court Order Issues:** A child must obtain a juvenile court order and apply to USCIS for SIJ status before the child ages-out of the juvenile court's jurisdiction (usually before 18 years of age), and before he or she turns 21 (even in states where juvenile court jurisdiction extends beyond age 21).
- **Legal Services:** Many state child welfare agencies have legal departments and established procedures for handling SIJ cases. The child welfare worker should refer the child to an attorney with immigration law experience, if one is not available through its own legal department. See the United States Department of Justice Free Legal Service Providers list: <http://www.justice.gov/eoir/probono/states.htm>.
- **USCIS Resources:** Visit the USCIS website: [www.uscis.gov](http://www.uscis.gov) or call the toll-free hotline: (800) 375-5283 TTY: (800) 767-1833.

