



Special Immigrant Juvenile Status

What is SIJS?

Special Immigrant Juvenile Status (SIJS) is an immigration classification that may make you eligible for legal permanent residence in the United States in the future. It is intended to be a compassionate provision for children who have been mistreated or abandoned by a parent. The child must have a willing and able parent or someone else in the United States ready to seek legal and physical custody and intend to care for them permanently. It will not apply to all minor immigrants.

Who is eligible for SIJS?

A child may be eligible if all the following apply:

- He or she is under 18 years of age (in Virginia) at the time of filing in the local court for custody (or 21 in DC or Maryland)
- He or she is not married
- One or both parents has abused, and/or abandoned, and/or neglected the child.
- One parent or another adult living in Virginia is willing and able to take legal responsibility for the child and become legal custodian.
- It is not in the child's best interest to return to his or her country of origin.

What is the process?

- **FIRST STEP - State court case** - SIJS begins as a custody case in state court. In Virginia, a petition is filed in the Juvenile and Domestic Relations District court for the county in which the child lives. The other parent is given legal notice of the case if possible so he or she may participate. The person desiring custody petitions the court for full custody. They also ask the court to make specific factual findings, including that the child was abused, and/or abandoned and/or neglected. The parent or custodian and the child must both appear in court. Both the parent or custodian and the child may be required to testify in court. At the end of the case, if the case is successful, the court will issue a document called a custody order with the required findings. This process takes several months and in most cases must be completed before the child turns 18 (in Virginia). Pursuing SIJS does not immediately affect any ongoing immigration court matters. The pathway is completely different and if a child has summons to immigration court he or she will need to continue appearing in court.

- **SECOND STEP - I-360 Application for Special Immigrant Status** - Once the state court has issued a qualifying order, it is sent to the United States Citizenship and Immigration Service (USCIS) with an I-360 Application. The child must remain unmarried while the I-360 is pending, and should stay in good standing with the law during the entire process.. This process takes several months and the I-360 must be filed before the child turns 21. Once approved, the child will be eligible for work authorization and eventually adjustment of status.
- **THIRD STEP- I-485 Application for Permanent Residency**- Once the I-360 is approved, the child is placed on a waiting list for a visa. When a visa is available to them,, based on the USCIS date of receipt of their I-360 application, the I-485 may be filed on the child's behalf.

Frequently Asked Questions.

- What if one or both parents is deceased? Does the child qualify?
 - Maybe. The parent must have abused, abandoned, or neglected the child , but that may have happened as a result of the parent's death..
- Can you define what it means to be "abandoned?"
 - This is evaluated case by case and judge by judge. However, if a parent does not have regular contact with a child, does not visit the child, does not provide financial support, or has renounced paternity of the child, it may constitute abandonment.
- What if a child was abused by someone other than a parent?
 - Abuse in itself does not qualify a child for SIJS. For SIJS, the abuse must have been perpetrated by a parent, or been allowed by the parent.
- Do you have to have legal status to become the custodian for the child?
 - No.
- I have already sought and obtained legal custody of the child - can he/she still get SIJS?
 - Yes. If the child qualifies for SIJS, it is possible to ask the state court to enter a new order with the necessary factual findings. This order would then be submitted to USCIS with the I-360.
- Can you have a SIJS case at the same time as other immigration relief, such as an asylum case?
 - Yes. It is possible for the child to pursue multiple immigration pathways.
- How does the SIJS case impact the parent's immigration claim?
 - The SIJS case is separate from and unrelated to the parent's asylum claim or other immigration status.
- Can a child with SIJS status petition for a parent?
 - No. Once a child is granted status for SIJS, he or she can never petition for a parent. He or she can petition for their own child or spouse.