

Immigration Relief for Abused, Abandoned, or Neglected Children

SPECIAL IMMIGRANT JUVENILE CLASSIFICATION

Information for Juvenile
Court Judges and Child
Welfare Professionals

OVERVIEW

Special Immigrant Juvenile (SIJ) classification is an immigration benefit available to certain noncitizen children who have been subject to state juvenile court proceedings related to parental abuse, neglect, abandonment, or similar maltreatment under state law. Children may be eligible for SIJ classification if they are the subject of juvenile court or administrative orders that make required determinations regarding:

- Their court-ordered custody and/or dependency;
- The non-viability of parental reunification; and
- The best interests of the child.

Children eligible for SIJ classification may include those who are:

- In a state's child welfare system;
- Currently (or previously) in federal custody due to their undocumented status; or
- Living with a foster family, an appointed guardian, or a non-abusive custodial parent.

SIJ classification allows these children to apply for lawful permanent resident status (also known as a Green Card), if a visa in the employment-based fourth preference (EB-4) immigrant visa category is immediately available.

If a child has been granted SIJ classification, USCIS may also consider granting deferred action. Deferred action makes the child a lower priority for removal from the United States. If a child receives deferred action, they may apply for an Employment Authorization Document, which is a form of legal identification that will show they are authorized to work in the United States.

ELIGIBILITY REQUIREMENTS

To qualify for SIJ classification, a child must meet the following requirements:

- Be under 21 years of age when they file the SIJ petition;
- Be unmarried when they file the SIJ petition and when it is adjudicated;
- Be physically present in the United States when they file the SIJ petition and when it is adjudicated; and
- Be the subject of an order(s) from a state juvenile court that makes the following determinations:
 - **DEPENDENCY or CUSTODY:** The child is dependent on the court, or legally placed under the custody of an agency or department of a state, or an individual or entity appointed by a state or juvenile court.
 - **PARENTAL REUNIFICATION:** Reunification with one or both of the child's parents is not viable because of abuse, neglect, abandonment, or a similar basis under state law.
 - If reunification is "not viable," this generally means the child cannot be reunified with their parent before the age of majority.
 - The abuse, neglect, abandonment, or similar basis under state law may have occurred in the child's home country or in the United States.
 - **BEST INTEREST:** It is not in the child's best interest to return to their or their parents' country of nationality or last habitual residence.

Note: A juvenile court or a state administrative entity may issue the best interest determination.

ROLE OF CHILD WELFARE PROFESSIONALS

Child welfare professionals are in a unique position to identify and assist victims of child abuse, neglect or abandonment who may be eligible for SIJ classification. Child welfare professionals may assist by:

- Referring the child's case to an immigration attorney or accredited representative;
- Providing assessments and reports to assist the juvenile court in making the determinations that may establish SIJ eligibility; and
- Collecting important documents, such as proof of the child's age and identity.

ROLE OF JUVENILE COURTS

For SIJ purposes, a juvenile court is a U.S. court that has jurisdiction under state law to make judicial determinations about the dependency and/or care and custody of juveniles. Examples of courts that may be considered juvenile courts include: dependency, delinquency, probate, guardianship, orphan, youthful offender, and family courts.

Juvenile courts make determinations based on state law regarding abuse, neglect or abandonment, family reunification, and best interests of the child. Juvenile court judges also apply state law on issues such as jurisdiction, evidentiary standards, parental notice, parental rights, and due process.

Although USCIS relies on the juvenile court's determinations to assess whether a child is eligible for SIJ classification, only USCIS adjudicates the SIJ petition.



U.S. Citizenship
and Immigration
Services

ROLE OF USCIS

USCIS determines whether a child meets the statutory requirements for SIJ classification under immigration law by reviewing the SIJ petition (Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant) and supporting evidence, including the juvenile court order. USCIS reviews the juvenile court order to ensure that all of the required determinations were made. USCIS also determines whether to consent to SIJ classification. To consent, USCIS must determine that the request for SIJ classification is bona fide, meaning that relief from abuse, neglect, abandonment, or a similar basis under state law is a primary reason the juvenile court order was sought. To make this determination, USCIS requires the factual basis for the court's findings, as well as evidence of the relief granted by the court, as described under the Additional Tips section.

FILING WITH USCIS

Petition for SIJ Classification

After a child has a juvenile court order that contains the required findings, they may petition USCIS for SIJ classification by submitting:

Form	Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant
Fee	None
Supporting Documentation	<ul style="list-style-type: none">• The child's birth certificate or other evidence of the child's age;• A certified copy of the juvenile court order that includes the judicial determinations and a reasonable factual basis for each determination, or alternative evidence to establish the factual basis for the determinations; and• U.S. Department of Health and Human Services (HHS) consent, if a child in their custody seeks a juvenile court order that alters their HHS custody status or placement.
Supporting Forms	Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, if applicable.

Any documents submitted in a foreign language must include a full English translation, with a certification from the translator that they are competent to translate and that the translation is accurate.

SIJ-Based Green Card Application

A child who is granted SIJ classification must file a separate application, Form I-485, Application to Register Permanent Residence or Adjust Status, to obtain a Green Card. (This is also known as "adjusting status.") If a visa number in the EB-4 category is immediately available at the time of filing, and if USCIS has jurisdiction over the child's application to adjust status, a child may file their Form I-485 together with Form I-360. Form I-485 instructions provide detailed information about the filing requirements, including documentation and evidence.

NOTE: Biological or former adoptive parents of a child who obtains SIJ classification can never be granted any immigration benefits through the SIJ child. However, an SIJ-classified child who obtains a Green Card or U.S. citizenship may petition for certain other qualifying family members through family-based immigration.

ADDITIONAL TIPS *These tips may help avoid delays for vulnerable petitioners seeking SIJ classification.*

- 1. BE FAMILIAR WITH THE CURRENT ELIGIBILITY REQUIREMENTS.** Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) establishes the definition of Special Immigrant Juvenile. Find more guidance on the eligibility requirements for SIJ classification in the regulations at 8 CFR 204.11 and in the USCIS Policy Manual.
- 2. PROVIDE THE FACTUAL BASIS FOR THE JUVENILE COURT DETERMINATIONS.** Template court orders are generally insufficient. A court order sufficient for USCIS to grant consent should include evidence of relief from parental maltreatment as well as the factual basis for the determinations on dependency or custody, parental reunification, and best interests.

Evidence of relief from parental maltreatment includes a custodial or placement determination or declaration of dependency with the provision of child welfare services (for example, counseling or, educational, occupational, medical, or social services). This includes recognition of the child's placement in the custody of the Department of Health and Human Services Office of Refugee Resettlement.

If the court order does not include a factual basis for the court's findings, petitioners may

submit other evidence, such as separate orders containing findings of fact, records from the judicial proceedings, or affidavits summarizing the evidence presented to the court.

- 3. ESTABLISH THAT THE JUVENILE COURT DETERMINATIONS WERE ISSUED UNDER STATE LAW.** An order should use language establishing that the judicial determinations were made under state law (for example, citation to relevant state law). Do not just mirror or cite to immigration law and regulations.
- 4. BE TIMELY.** The child must obtain the juvenile court order before they age out of the court's jurisdiction. State laws on jurisdiction vary, but jurisdiction may end at 18 years of age. However, if a child who is otherwise eligible ages out of the juvenile court's jurisdiction before filing the SIJ petition with USCIS, they are still eligible to petition for SIJ classification.

The child must submit the SIJ petition to USCIS before they reach age 21, even in states where juvenile court jurisdiction extends beyond age 21.

NOTE: If a child turns 21 years old after they file the SIJ petition with USCIS, they may still be eligible for SIJ classification.

Questions for USCIS

State juvenile courts and child welfare agencies can email general questions or outreach requests to USCIS-IGAOutreach@uscis.dhs.gov.

General SIJ Information

Visit uscis.gov/working-in-US/eb4/SIJ.

Reporting Suspected Human Trafficking

Contact DHS Homeland Security Investigations at **(866) DHS-2-ICE** if you have concerns regarding human trafficking.

Information on SIJ-based Adjustment of Status

Visit <https://www.uscis.gov/green-card/green-card-eligibility/green-card-based-on-special-immigrant-juvenile-classification>.

Questions Regarding a Case

SIJ petitioners and their attorneys or accredited representatives may call **(800) 375-5283** to ask the USCIS Contact Center about their case.

Check Case Status

Check the status of a case by visiting Case Status Online at egov.uscis.gov/casestatus/landing.do.