

Special Immigrant Juvenile Status (SIJS)

History of SIJ Status

In 1990, Congress created Special Immigrant Juvenile (SIJ) status. In 2008, the Trafficking Victims Protection and Reauthorization Act made changes to the eligibility requirements for SIJ status and streamlined certain SIJ procedures.

SIJ status is designed for non-U.S. citizen children in the United States who do not have permanent residence and have been abused, neglected or abandoned by one or both parents. For a child to be eligible, a U.S. state juvenile court must: make the child dependent on the court (or place the child under the legal custody of a state agency or other individual appointed by the state); declare that the child cannot be reunited with one or both of his or her parents due to abuse, abandonment or neglect; and declare that it is not in the best interests of the child to be returned to his country of citizenship. (The term "juvenile court" is a court located in the United States having jurisdiction under state law to make judicial determinations about the custody and care of juveniles. The exact name of juvenile courts can differ from state to state.)

Special Immigrant Juvenile status allows a child to apply for a green card (that is, lawful permanent residence) while remaining in the United States.

Under the law, the juvenile court and USCIS have distinct responsibilities. The juvenile court makes factual findings concerning the care and custody of the child. USCIS, however, makes the immigration decision, including eligibility for SIJ status and for a green card.

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Eligibility Status for SIJ

To petition for SIJ you must have a state court order that contains certain findings, USCIS uses to determine your status. The state court may be called "juvenile court", "family court", "orphan's court", or some other name, depending on which state it is in. The court must have the authority under state law to decide on the custody and care of children.

Actions State Court Must Take

SIJ Resources

- **SIJ: Forms You May Need to File**
- **Concurrent Filing**
- **Trafficking Victims Protection Reauthorization Act of 2008: Special Immigrant Juvenile Status Provisions: Memo (67 KB PDF)**
- **Implementation of The Special Immigrant**

A state court in the United States must decide:

- To declare that you are a dependent of the court or to legally place you with a state agency, a private agency, or a private person and
- It is not in your best interests to return to your home country (or the country you last lived in) and
- You cannot be reunited with a parent because of ANY of the following:
 - Abuse
 - Abandonment
 - Neglect
 - Similar reason under state law

Eligibility Requirements

To be eligible for SIJ status:

- You must be under 21 years old on the filing date of the [Form I-360, Petition for Amerasian, Widow\(er\), or Special Immigrant](#)
- Your state court order must be in effect on the filing date of the Form I-360 and when USCIS makes a decision on your application, unless you “aged out” of the state court’s jurisdiction due to no fault of your own
- You cannot be married, both when you file your application and when USCIS makes a decision on your application
 - “Not married” includes a child whose marriage ended because of:
 - Annulment
 - Divorce
 - Death

You must be inside the United States at the time of filing the Form I-360

If you are in the legal custody of the U.S. Department of Health and Human Services (HHS):

- You must request permission from HHS for the court to legally place you somewhere else
- You do not need to request permission from

Juvenile Perez-Olano Settlement Agreement: Memo (58 KB PDF)

- **Settlement Agreement in Perez-Olano, et al. v. Holder, et al.:** [Web](#)

HHS if the state court does not place you somewhere else.

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Green Card Based on SIJ Status

Once you have met all the eligibility requirements for SIJ status, you need to establish your eligibility for a green card. You may need to file for a waiver in order to get a green card if you have certain ineligibilities (known as “inadmissibilities”).

For example, you might not qualify for a green card if you are (or were):

- A risk to people or property, because of a mental or physical disorder
- A prostitute or pimp
- A drug addict or abuser
- An alien smuggler

However, the law has exceptions. For example, you may receive an exemption if you:

- Now get medical treatment that controls a dangerous mental or physical disorder
- Were forced into prostitution
- Were arrested only once for drugs, and only for 30 grams or less of marijuana
- Had smuggled only your parents or brothers/sisters into the United States

In addition, many of the reasons other green card applicants do not qualify might NOT apply to you as an SIJ, such as if you:

- Cannot financially support yourself
- Are unlawfully present in the United States
- Entered the United States by hiding on a boat, airplane, or other transport (as a stowaway)
- Do not have a proper visa or passport

USCIS can waive most other disqualifying grounds if you show a good reason for a waiver, such as:

- Humanitarian concerns or in the public interest.

In order to request a waiver, file a [Form I-601, Application for Waiver of Grounds of Inadmissibility](#).

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<http://www.uscis.gov/green-card/special-immigrant-juveniles/special-immigrant-juveniles-sij-status>

