



WHAT IS SPECIAL IMMIGRANT JUVENILE STATUS (SIJS)?

A brief overview of key benefits, eligibility,
and sample scenarios for this immigration pathway

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Special Immigrant Juvenile Status (SIJS) provides a pathway to a green card for young people who have been “abandoned, abused, or neglected” by a parent. “Abandoned, abused, or neglected” are legal terms that have different definitions in each state. If you’re not sure if how you were treated by your parent(s) counts as abuse, neglect, or abandonment, check out some of the examples that follow, and talk to an immigration attorney (find free or low-cost, trusted support in your area by visiting ilrc.me/findhelp). Some practices that may be considered normal in some places, like physical punishment or being made to work at a young age, might be viewed differently under your state’s law.

SIJS is only an option for you if you are **under the age of 21 and unmarried**. SIJS requires that you be in some type of state juvenile court proceeding. For example, you might already have a case in a juvenile court, such as family court where one of your parents is trying to get custody of you, or you might be able to open a case, for example by filing for a guardianship if you need a responsible adult to have legal authority to care for you. If you think there’s any chance you might qualify for SIJS, **do not wait** to speak with an immigration attorney.

This Community Explainer lists some of the key benefits associated with SIJS - some are available once the SIJS petition is pending, some are available once it is approved, and others are only available once you obtain a green card based on SIJS.

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WHO IS ELIGIBLE FOR SIJS?

To be eligible for SIJS, you must be:

- ▶ Under 21;
- ▶ Unmarried;
- ▶ Have a case or be able to open a case in a state juvenile court (for example, family court custody proceedings, probate guardianship proceedings, juvenile justice (delinquency) proceedings, or juvenile dependency (child welfare) proceedings);
- ▶ The juvenile court must determine that you are not able to live with one or both of your parents because they abandoned, abused, or neglected you;
- ▶ The juvenile court must determine that it would not be in your best interest to be returned to your country of origin.

The definitions of parental abuse, neglect, and abandonment differ depending on the state you're in. **Here are some examples of the types of situations in which young people might be eligible for SIJS under California law:**

Erik migrated to the U.S. on his own at the age of 16. In his country of origin, his father regularly beat up his mother in front of him. His father never hit him but would threaten to hit him if Erik tried to intervene to help his mom. Erik may be eligible for SIJS based on the domestic violence between his parents and the threats of harm he experienced, which a juvenile court judge may determine fits the definition of abuse.

Cristina came to the U.S. with her dad when she was seven years old. In her country of origin, her mom regularly hit her with her hands or a belt. Her mom struggled with alcohol abuse and became violent anytime she drank. Cristina may be eligible for SIJS based on the abuse she suffered at the hands of her mother, which a juvenile court judge may determine fits the definition of abuse under California law.

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Karen's parents brought her to the U.S. when she was twelve years old. When she was fourteen, her father, who was her family's breadwinner, passed away. He did not leave a will or inheritance. Karen's mother struggled to provide for the family in the aftermath. Karen may be eligible for SIJS based on the death of her father, which a juvenile court judge may determine fits the definition of abandonment.

Roberto came to the U.S. with their mom at the age of 5. They have not received any support or care from their father since migrating, other than a few brief phone conversations. Roberto may be eligible for SIJS, as a juvenile court judge may determine that they cannot reunify with their father due to abandonment.

BENEFITS ONCE YOUR PETITION FOR SIJS HAS BEEN FILED

- ▶ **ICE should not take enforcement action against someone with a pending SIJS petition.** Generally, this means that ICE will not arrest or deport someone if they have a pending petition for SIJS.
- ▶ Under current ICE policy, ICE attorneys should exercise “**prosecutorial discretion**” to agree to dismiss deportation/removal proceedings against young people with pending petitions for SIJS. This means that most young people who pursue SIJS will be able to have their removal proceedings in immigration court dismissed.

BENEFITS ONCE YOUR PETITION FOR SIJS HAS BEEN APPROVED

- ▶ If USCIS approves your petition for SIJS, it will then consider whether to grant you deferred action while you wait for a visa to be available. Most young people who are granted SIJS are also given deferred action. **Deferred action based on SIJS provides protection from deportation and eligibility for a work permit for four years.** It is renewable if the period of deferred action ends and you are still waiting for a visa.

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BENEFITS ONCE YOUR GREEN CARD APPLICATION HAS BEEN APPROVED

- Permission to live and work in the U.S. indefinitely (though you will need to renew your actual card every 10 years).
- Eligible to apply for federal financial aid.
- May also be eligible for some public benefits (like food stamps), but this will depend on the state where you live.
- After 5 years as a green card holder (and as long as you're also at least 18 years old), you can apply for naturalization to become a U.S. citizen.

NOTE

WARNING: GREEN CARD HOLDERS CAN STILL BE DEPORTED FOR CERTAIN REASONS, MOST OFTEN BECAUSE OF VIOLATIONS OF CRIMINAL LAW.

THINGS TO KEEP IN MIND IF YOU ARE CONSIDERING APPLYING FOR SIJS

- 📌 When you apply for SIJS, **you cannot include any family members in your application, such as siblings or your own child.** This is different than other humanitarian paths to immigration status like the U and T visa or asylum.
- 📌 If you are granted SIJS, **you will not be able to help either of your parents get immigration status,** even if only one of your parents was abusive, neglectful, or abandoned you. This is because there is a bar in federal law on people who get SIJS being able to help their parents get immigration status.

Example: Sadie's request for an SIJS predicate order was granted in family court custody proceedings in which her mom was awarded full custody of her based on her dad having been out of the picture for many years. Sadie's petition for SIJS was approved, and she was granted adjustment of status (a green card) after waiting for

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a visa to be available. Even though people with green cards and U.S. citizenship can petition for their family members to get immigration status, Sadie will never be able to petition for her mom to get status. This is the case even though her mom did not abuse, neglect, or abandon her.

- 📌 Even once your SIJS petition is approved, you will have to wait for a visa to be available before you can apply for your green card. It is impossible to predict how long you will have to wait for a visa to be available, but it is likely to be several years. To understand more about the SIJS visa backlog, check out [these resources](#) put together by the End SIJS Backlog Coalition.
- 📌 Despite the long wait time involved in getting a green card based on SIJS, **it is still a relatively quick path to work authorization and a great option for young people who need secure immigration status.** Most young people who pursue SIJS are successful in getting immigration status through SIJS, and with the help of a qualified attorney, the process can be smooth.

Are you a California Community College (CCC) or a California State University (CSU) student? If so, you qualify for **FREE** immigration legal services!

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