



# Special Immigrant Juvenile Status

UC Immigrant Legal Services Center



## What is SIJS?

Special Immigrant Juvenile Status (SIJS) allows young immigrants who are abused, abandoned, or neglected by one or both of their parents to stay legally in the U.S. and apply for lawful permanent residency, i.e. a **green card**.



You can apply for:

- SSN;
- Work authorization;
- Green card.



If you are a minor, you **CANNOT** later file an immigration petition for your parent(s).

## Do I qualify for SIJS?

You must be:

- Under 21 at the time of applying; AND
- Present in the U.S. at the time of applying and until your case is decided; AND
- Unmarried at the time of applying and until your case is decided.

## If I apply for SIJS, how long will I have to wait for a green card?

There is a limit on the number of young immigrants per country who can get a green card through SIJS in a given year. This means that some applicants can apply for SIJS at the same time as they apply for a green card and work authorization, while others can apply only for SIJS and will have to wait before they can apply for a green card and work authorization even if they successfully get SIJS. It is impossible to predict when USCIS allows more youth to apply for green cards.

Each month, USCIS issues a chart called "Visa Bulletin" with visa availability for different visa categories. To find out visa availability for residents of your country, do the following:

1. Select the most recent Visa Bulletin.
2. Find Chart A ("Final Action Dates") for "Employment-Based" cases.
3. Find the "4th" row.
4. Stay in that row and move to the right to find the cell corresponding to your country. "C" stands for "current" and indicates that you can apply for a green card right away. If there is a date listed, it means that you can apply for a green card only if you have already applied for SIJS BEFORE that date.

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES	VIETNAM
1st	15JUL18	15MAY17	15JUL18	01JAN15	15JUL18	15JUL18	15JUL18
2nd	C	22JUN15	C	15MAY09	C	C	C
3rd	C	01NOV15	C	01JAN09	C	01MAR18	C
Other Workers	C	01MAR08	C	01JAN09	C	01MAR18	C
4th	C	C	01JUL16	C	22JUL17	C	C

# How do I apply for SIJS?

## I. CA State Court

**Step 1:** start a new case or rely on your existing case in state court.

- Juvenile dependency case;
  - Juvenile delinquency case;
  - Divorce/Legal separation case;
  - Petition for custody and support of minor children;
  - Parentage case/Petition to establish parental relationship;
  - Domestic violence restraining order;
  - Probate guardianship;
  - Juvenile guardianship;
  - Adoption.
- (NOTE: guardianships can be set up/extended past your 18th birthday for the purposes of SIJS)

**Step 2:** ask the court for an SIJ order and the following 3 findings.

1. You are dependent on the court OR are in the custody of a state agency or an individual appointed by the court; AND
2. You cannot be reunited with one or both of your parents because of abuse, abandonment or neglect (NOT for the purpose of immigration); AND
3. It is not in your best interests to return to your or your parents' home country.



## II. USCIS

**Step 3:** apply for SIJS with I-360 petition.

NOTE: your age "freezes" at the time of your submission!

**Step 4:** apply for a green card with I-485 petition.

**Step 5 (optional):** apply for work authorization with I-765 petition - necessary only if you want to work in the U.S. while your case is being reviewed.

NOTE: you can only file I-765 with I-485, NOT with I-360 alone!

