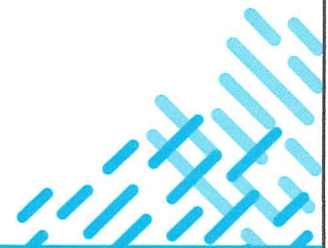




# Special Immigrant Juvenile Status

## What Advocates Need To Know

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## Agenda

- Immigration Overview and Terminology
- What is Special Immigrant Juvenile Status?
- Who is eligible?
- How does one get SIJS?
- What is a predicate order?
- What findings are necessary?
- When can the order be made?
- Application process and priority dates



## Immigration Overview

- If you come into contact with a child who was not born in the United States and cannot present a permanent resident card, it is important to consult with an immigration attorney as soon as possible to figure out that child's immigration status.
- This is especially important for children who may have had contact with immigration and may be in removal proceedings.

## Immigration Terminology

- USCIS-U.S. Citizenship and Immigration Service (formerly INS)
- DHS-Department of Homeland Security
- EOIR-Executive Office of Immigration Review
- SIJS- Special Immigrant Juvenile Status
- AOS- Adjustment of Status
- LPR- Lawful Permanent Resident
- EAD- Employment Authorization Document

## What is Special Immigrant Juvenile Status?

- SIJS Status is given to immigrants who are present in the United States-
  - (i) who have been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;
  - (ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence"

[INA § 101\(a\)\(27\)\(J\)](#)



## Who is eligible?

- Under age 21
- Currently living in the United States
- Unmarried
- Have a valid juvenile court order (predicate order)
- Be eligible for USCIS consent
- If necessary, have written consent from the Department of Health and Human Services /Office of Refugee Resettlement



## What is a valid juvenile court order/ predicate order?

A valid predicate order must declare that:

- the child is a dependent upon a juvenile court,
- the juvenile court has jurisdiction over the child,
- the child has suffered abuse, neglect, abandonment, or other similar maltreatment under state law, (cite to KRS)
- the court is placing the child in the custody of a person or entity,
- reunification with one or both of the parents is not viable due to abuse, abandonment, neglect or other similar basis under state law, and
- it is not in the best interests of the child to be returned to the country of nationality, last habitual residence, or his or her parents.



## How much of a record is necessary?

As with all things legal, it depends, but to be safe:

- Whenever possible, create a written record
  - Proof of parentage (birth certificate, sworn affidavits, DNA testing)
  - Affidavits of parent, social worker, child (if possible) documenting abuse, abandonment, neglect or similar basis
  - Home country condition reports
  - Findings of fact
- Testimony on the record
  - Parent, social worker, teachers, child (if possible)



## When can the predicate order be signed?

- After parentage and abuse findings have been established and whenever parental reunification is no longer the goal
  - Lack of viable reunification generally means that the court intends its finding that the child cannot reunify with his or her parents remains in effect until the child ages out of the juvenile court's jurisdiction.
  - Reminder: Only needs to be parental reunification with one parent, not both
- Actual termination of parental rights is not required.



## I have the order, now what?

### Congratulations!

- Now the child needs to find an immigration attorney to help them apply for SIJS.



## I have the order, now what?

- Depending on the country of nationality, the child may be eligible to file for AOS concurrently with their SIJS application
- Children from Mexico, El Salvador, Guatemala, and Honduras are given a priority date and must wait to file for AOS
- At the time of filing for AOS, Special Immigrant Juveniles can also apply for an Employment Authorization Document (“EAD”). It is not until after that EAD is issued that they can receive a restricted Social Security Number.

## Automatic Revocation

An approved SIJ petition is automatically revoked as of the date of approval if any one of the circumstances below occurs before USCIS issues a decision on the petitioner’s application for adjustment of status:

- Marriage of the petitioner;
- Reunification of the petitioner with one or both parents by virtue of a juvenile court order, where a juvenile court previously deemed reunification with that parent, or both parents, not viable due to abuse, neglect, abandonment, or a similar basis under state law; or
- Reversal by the juvenile court of the determination that it would not be in the petitioner’s best interest to be returned to the petitioner’s, or his or her parents’, country of nationality or last habitual residence.



## After Adjustment of Status

- Child is work authorized and will be given a unrestricted social security card
- Child is eligible to naturalize after 5 years of having a green card and they are over 18 years of age
- Child will not be able to use their status to bring either parent, even custodial parent if AOS through SIJS



## Questions?

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