



Information for Juvenile Court Judges,  
Child Welfare Workers, and Others  
Working with Abused Children

**Special Immigrant Juvenile Status**

## Eligible Population

Some foreign-born children present in the United States may be in need of humanitarian protection because they have been abused, abandoned, or neglected by a parent. Special Immigrant Juvenile (SIJ) status is an immigration classification that may allow for these vulnerable children to immediately apply for lawful permanent resident status (Green Card).

Children who cannot be reunified with one or both parents due to abuse, abandonment or neglect, and for whom it would not be in their best interests to return to their country of origin, may be eligible for SIJ status.

### SIJ eligible children may:

- Be, or have been, in federal custody due to their undocumented status
- Be in a state child welfare system
- Be living with a foster family, an appointed guardian, or the non-abusive parent
- Have been the victim of child abuse that occurred while residing in the U.S.
- Have been the victim of child abuse that occurred in the child's home country.

**Note:** this is not an exhaustive list.

The biological or prior adoptive parents of a child with SIJ status cannot get any immigration benefits through the SIJ child.



U.S. Citizenship  
and Immigration  
Services

## Immigration Relief for Abused Children

Special Immigrant Juvenile Status

# History of SIJS

## A Path to Safety for Vulnerable Children

Special Immigrant Juvenile Status (SIJS) is a humanitarian protection created by Congress in 1990 for immigrant children in the United States who have been abused, abandoned, or neglected by a parent. It provides a pathway to lawful permanent residence (Green Card) and eventual U.S. citizenship.



Created in  
1990



Under 21  
Years



Humanitarian  
Protection



Path to  
Green Card

By the  
Immigration Act  
of 1990

Must be under 21  
and unmarried

For abused,  
neglected, or  
abandoned  
children

And eventual U.S.  
citizenship

## What is SIJS?

SIJS was established by the Immigration Act of 1990 to protect vulnerable immigrant children who cannot safely return to their home country or reunify with their parents due to abuse, neglect, or abandonment.

Unlike other immigration benefits, SIJS requires involvement from both state juvenile courts and federal immigration authorities, making it a unique two-step process that recognizes the child welfare expertise of state courts.

Congress mandated that SIJS petitions be decided by USCIS within 180 days of filing, recognizing the particular vulnerability of these children.

# Who Qualifies for SIJS?

To be eligible for Special Immigrant Juvenile Status, you must meet ALL of the following requirements:



## Age & Marital Status

Be under 21 years of age and unmarried at the time of filing



## Present in the United States

Be physically present in the U.S. (cannot apply from outside the country)



## State Court Order

Have a valid juvenile court order with required SIJS findings



## Cannot Reunify with Parent(s)

Due to abuse, abandonment, neglect, or similar basis under state law



## Best Interest Finding

Court finds it's not in your best interest to return to home country



## USCIS Consent

Sought relief for protection, not primarily for immigration benefit

# The SIJS Process

SIJS is a unique two-step process involving both state and federal systems:

1 

## Step 1: State Court

Obtain a juvenile court order with the required SIJS findings from a state court (family court, probate court, or juvenile court depending on your state). 

2 

## Step 2: USCIS Petition

File Form I-360 (Petition for Special Immigrant) with U.S. Citizenship and Immigration Services to request SIJ classification. 

3 

## Step 3: Green Card

When a visa number becomes available, file Form I-485 (Application to Adjust Status) to become a lawful permanent resident.

# Benefits of SIJS

Once approved, SIJS provides significant protections and opportunities:



## Path to Green Card

SIJS provides a direct pathway to lawful permanent residence in the United States



## Work Authorization

Can apply for an Employment Authorization Document (EAD) while waiting for green card



## Protection from Deportation

Eligible for deferred action while waiting for visa availability



## Path to Citizenship

After 5 years as a permanent resident, may apply for U.S. citizenship



## Educational Opportunities

Access to in-state tuition and financial aid in many states



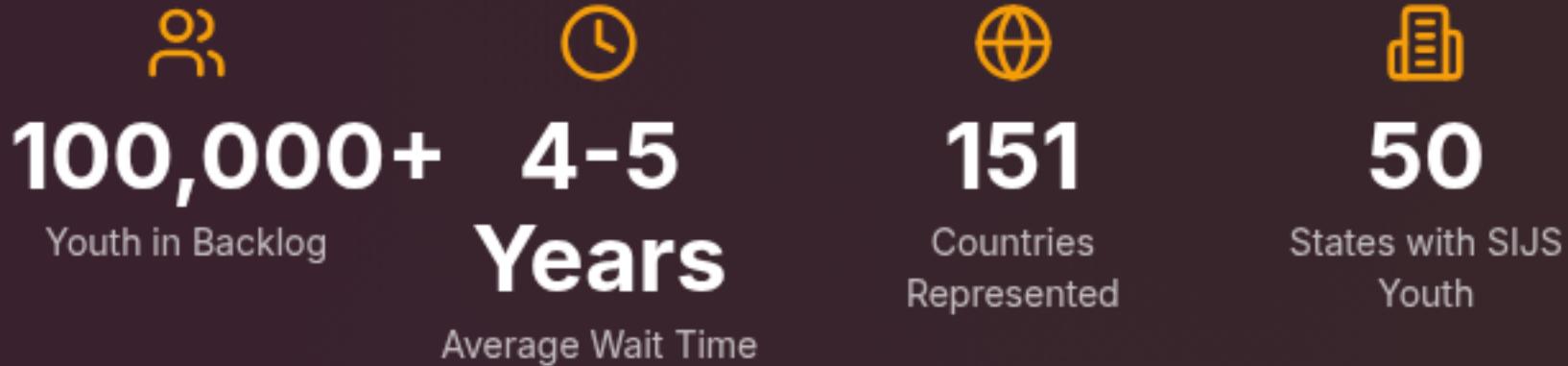
## Stability & Security

Legal status provides stability to build a future in the United States



# The Current Crisis

Over 100,000 vulnerable children are caught in the SIJS backlog



SIJS falls under the EB-4 visa category, which has annual numerical limits. This creates a backlog where approved youth must wait years before they can apply for their green card. During this time, they may be eligible for deferred action and work authorization.

# Legislative Timeline

How SIJS has evolved to better protect vulnerable children

● Legislation

● Policy

● Court Decision

● Milestone



1990

## Immigration Act of 1990

Congress creates Special Immigrant Juvenile Status for children declared dependent on juvenile courts and eligible for long-term foster care.

### Impact

First federal protection specifically for abused, neglected, and abandoned immigrant children.



1991

## Technical Amendments

Children with SIJ classification are considered paroled for adjustment of status purposes.

### Impact

Clarified that children cannot enter the U.S. specifically to obtain SIJS.



1994

## Technical Corrections Act

Expanded eligibility to include children placed under custody of state agencies.

### Impact

Broadened protection beyond just court-dependent children.



1997

## 1998 Appropriations Act

Limited eligibility to children dependent on court specifically due to abuse, neglect, or abandonment.

### Impact

Required Attorney General consent, adding federal oversight to state court orders.



2006

## Violence Against Women Act

Prohibited compelling SIJS petitioners to contact alleged abusers at any stage.

### Impact

Enhanced safety protections for vulnerable children throughout the process.



2008

## TVPRA 2008 - Major Expansion

Removed foster care requirement, expanded eligibility, added age-out protections, and set 180-day processing deadline.

### Impact

Most significant expansion of SIJS, protecting more children and preventing aging out.



2014

## Surge in Applications

Unaccompanied minor crisis leads to dramatic increase in SIJS applications.

**Impact**

Beginning of significant visa backlog affecting SIJS youth.



2016

## Backlog Reaches 100,000

Over 100,000 youth with approved SIJS petitions waiting for visa numbers.

**Impact**

Wait times extend to 4-5+ years for green card eligibility.



2021

## Perez Ortega v. Mayorkas

Federal court rules USCIS must provide work authorization to SIJS youth in backlog.

**Impact**

Major victory allowing SIJS youth to work while waiting for green cards.



2022

## Deferred Action Policy

USCIS announces automatic deferred action for approved SIJS petitioners.

**Impact**

Provided work permits and deportation protection for youth in backlog.



2023

## New SIJS Regulations

USCIS publishes updated regulations clarifying eligibility and procedures.

### Impact

Modernized regulations to reflect TVPRA 2008 changes.



2023

## Backlog Report Published

End SIJS Backlog Coalition publishes comprehensive report on crisis.

### Impact

Increased public awareness and congressional attention to the issue.



2025

## Deferred Action Rescinded

USCIS terminates the 2022 deferred action policy for SIJS youth.

### Impact

Left thousands of youth without work permits or deportation protection.



2025

## Court Reinstates Policy

Federal court orders USCIS to reinstate deferred action policy.

### Impact



## Need Help?

If you believe you may qualify for SIJS, it's important to seek legal assistance. Many organizations provide free or low-cost legal help for immigrant children.

[Check Eligibility →](#)

[Find Resources](#)

### Download SIJS Guide

[English PDF](#)

## SIJS Awareness

An independent non-profit organization dedicated to helping immigrant youth in California understand their rights, navigate the legal process, and access the support they need to

### Our Mission

We believe every young person deserves safety and a chance to thrive. Our mission is to raise awareness about SIJS and connect eligible youth with an abundance of proper legal resources.

### Quick Links

[Home](#)  
[About US](#)  
[History of SIJS](#)  
[Am I Eligible?](#)  
[Resources](#)  
[Daily News](#)  
[Newsletter Archive](#)  
[FAQ](#)

### Official Resources

[USCIS - Special Immigrant Juveniles ↗](#)  
[CLINIC Legal ↗](#)  
[End SIJS Backlog Coalition ↗](#)

build a brighter  
future.

legal resources.

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