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Special Immigrant Juvenile Status

Special Immigrant Juvenile Status (defined properly at Immigration and Naturalization Act, § 101(a)(27)(J)) (codified at **8 U.S.C. § 1101(a)(27)(J)**) is a minor (under the age of 21) who has been separated from one or both of their parents due to abandonment, neglect, or abuse, and who gets a guardianship/custody and special findings order issued by the State Family Court. After getting the requisite State Court Orders the minor can file a Form I-360 Self-Petition for classification as a Special Immigrant Juvenile, which will later permit them to file for adjustment of status to a legal permanent resident.

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SIJS Generally

WHO IS ELIGIBLE FOR SIJS?

To be eligible for SIJS, you must be:

1. Under 21;
2. Unmarried;
3. Have a case or be able to open a case in a state juvenile court; *
4. 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;
5. The juvenile court must determine that it would not be in your best interest to be returned to your country of origin.

* Family court custody proceedings is the most common way this is done but it could also be probate guardianship proceedings, juvenile justice (delinquency) proceedings, or juvenile dependency (child welfare) proceedings).

How to Apply for SIJS Benefits

After obtaining the required State Court Orders demonstrating eligibility for SIJS the juvenile must submit a Form I-360 Self-Petition to the United States Citizenship.

Form I-360

INA §101(a)(27)(J) - Special Immigrant Juvenile

INA §101(a)(27)(J)

(codified at 8 U.S.C. § 1101(a)(27)(J))

(a) As used in this chapter—

(27) The term “special immigrant” means—

(J) an immigrant who is present in the United States—

(i) who has 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; and

(iii) in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status, except that—

(I) no juvenile court has jurisdiction to determine the custody status or

placement of an alien in the custody of the Secretary of Health and Human Services unless the Secretary of Health and Human Services specifically consents to such jurisdiction; and

(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter.