

**INA §101(a)(27)(J) - SPECIAL IMMIGRANT JUVENILE PROVISIONS, 1990 - 2008**

	<b>The Immigration Act of 1990</b>	<b>The 1998 Appropriations Act</b>	<b>TVRA* 2008</b>
<b>Dependency/ Custody</b>	(J) an immigrant  (i) who has been declared dependent on a juvenile court located in the United States and has been deemed eligible by that court for <b>long-term foster care</b> , and	(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 <b>or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State*</b> and who has been deemed eligible by that court for long-term foster care due to <b>abuse, neglect, or abandonment;</b>  * italicized text added by <i>The Immigration and Nationality Technical Corrections Act of 1994.</i>	(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 <b>or whom such a court has legally committed to, or place under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court</b> located in the United States, and whose <b>reunification with 1 or both of the immigrant's parents is not viable</b> due to abuse, neglect, abandonment, or a <b>similar basis found under State law;</b>
<b>Reunification</b>			
<b>Best Interest</b>	(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 or nationality or country of last habitual residence;	(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	(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
<b>Consent</b>	(no consent provision)	(iii) in whose case the <b>Attorney General expressly consents to the dependency order</b> serving as a <b>pre-condition</b> 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 actual or constructive custody of the Attorney General unless the Attorney General 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 Act.	(iii) in whose case the <b>Secretary of Homeland Security consents to the grant of special immigrant juvenile status,</b> except that --  (I) No juvenile court has jurisdiction to determine the custody status or placement of an alien in the custody of the <b>Secretary of HHS</b> unless the <b>Secretary of HHS</b> 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 Act.
<b>No passing of Benefits</b>	except that no natural parent or prior adoptive parent of an alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.	(I) 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 Act.	(I) 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 Act.

\*The Trafficking Victims Protection Reauthorization Act of 2008.