



## U.S. Citizenship and Immigration Services

# Special Immigrant Juveniles

[Versión en español](#)

If you are in the United States and need the protection of a juvenile court because you have been abused, abandoned, or neglected by a parent, you may be eligible for Special Immigrant Juvenile (SIJ) classification. If SIJ classification is granted, you may qualify for lawful permanent residency (also known as getting a Green Card).

### Eligibility for SIJ Classification

You must meet all of the statutory requirements outlined below to be eligible for SIJ classification. The requirements can also be found at [INA § 101\(a\)\(27\)\(J\)](#); [8 CFR § 204.11](#); and [USCIS Policy Manual, Volume 6, Part J- Special Immigrant Juveniles](#).

#### You Must:

#### When?

Be under 21 years of age.

Only at the time you file the SIJ petition (Form I-360).

Be currently living in the United States. You cannot apply from outside the country to come to the United States on SIJ classification.

Both at the time you file the SIJ petition and at the time USCIS makes a decision on your petition.

Be unmarried. This means you either:

- Have never been married; or
- Were previously married, but the marriage ended in annulment, divorce, or death.

Both at the time you file the SIJ petition and at the time USCIS makes a decision on your petition.

Have a valid juvenile court order issued by a state court in the United States which finds that:

- You are dependent on the court, or in the custody of a state agency or department or an individual or entity appointed by the court;

Both at the time you file the SIJ petition and at the time USCIS makes a decision on your petition.

EXCEPTIONS: You do not need to currently be under the jurisdiction of the juvenile court that issued your order if the court's jurisdiction ended solely because:

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- You cannot be reunified with one or both of your parents because of ANY of the following:
  - Abuse,
  - Abandonment,
  - Neglect, or
  - A similar basis under state law;
- You were adopted or placed in a permanent guardianship; or
- You aged out of the juvenile court's jurisdiction.

AND

- It is not in your best interests to return to the country of nationality or last habitual residence of you or your parents.

Note: Some juvenile courts may only be able to issue a juvenile court order if you are under 18 years of age.

Be eligible for USCIS consent. This means that you must have sought the juvenile court order to obtain relief from abuse, neglect, abandonment, or a similar basis under state law and not primarily to obtain an immigration benefit.

At the time USCIS makes a decision on your petition.

Have written consent from the Department of Health and Human Services (HHS)/ Office of Refugee Resettlement (ORR) to the court's jurisdiction if:

At the time USCIS makes a decision on your petition.

Please see the [HHS website for instructions \(PDF\)](#) on obtaining HHS consent.

- You are currently in the custody of HHS, AND
- The juvenile court order also changes your custody status or placement.

### State Juvenile Court Orders

To apply for SIJ classification, you must have a valid court order issued by a juvenile court.

### Valid State Court Orders

For establishing eligibility for SIJ classification, a juvenile court is a court in the United States that has jurisdiction under state law to make judicial determinations about the custody and care of children. The title and the type of court that may meet the definition of a juvenile court will vary from state to state.

State juvenile courts issue orders and make child welfare-related decisions based on **state law** about dependency or custody, whether a child can be reunified with his or her parent(s), and the best

interests of the child. The court order and/or supplemental evidence submitted must also establish that the court had competent jurisdiction to issue its rulings under the relevant state laws.

Although state courts have the authority to provide certain child welfare protections for children under state law, they do not have the authority to administer or enforce provisions of the Immigration and Nationality Act (INA). Only USCIS can grant or deny SIJ classification or lawful permanent residence (a Green Card).

### **Required Determinations in the State Court Order**

The juvenile court order must contain the required determinations made under relevant state law regarding dependency or custody, parental reunification, and best interests. Evidence of a reasonable factual basis for each of the legal findings must also be submitted.

You can find more information about the eligibility requirements for SIJ classification and the court orders in the [USCIS Policy Manual, Volume 6, Part J – Special Immigrant Juveniles](#).

### **How to Petition for SIJ Classification (Form I-360)**

To petition for SIJ classification, you must file the following forms and supporting documentation with USCIS:

- **Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant**
- **Evidence of your age.** You must submit one of the following (also submit a certified English translation, if applicable):
  - Birth certificate;
  - Passport;
  - Official identity document issued by a foreign government, such as a cartilla or a cedula; or
  - Other documents that satisfactorily establish your age.
- **Valid juvenile court order(s)** that make the required determinations and include or are supported by evidence of the factual basis for the court's determinations.
- **Written consent (PDF) from the U.S. Department of Health and Human Services (HHS)** if you are in HHS custody and the juvenile court order also changes your custody status or placement.
- **Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative**, if you have an attorney or accredited representative who represents you.

### **Green Card Based on SIJ Classification (Form I-485)**

If you have been granted SIJ classification (which means your Form I-360 petition has been approved), you may be eligible to apply for a Green Card by filing [Form I-485, Application to Register Permanent Residence or Adjust Status](#). This is also known as applying for lawful permanent resident (LPR) status or adjustment of status.

### **Petition and Application Processing**

If an immigrant visa is immediately available, you may generally file your Form I-360 and Form I-485 at the same time. Immigrant visas for SIJs come from the employment-based fourth preference (EB-4) immigrant visa category for special immigrants. For more information on immigrant visa availability, go to our [Visa Availability and Priority Dates](#) page.

If an immigrant visa is not available, you may still file your Form I-360, but you will need to wait to file your Form I-485. Go to the [Green Card Based on Special Immigrant Juvenile Classification](#) page for more information.

### After You File

#### **After you file your Form I-360, USCIS will:**

- Send you a Notice of Action, which is your receipt showing the official filing date and receipt number.
- Contact you for additional evidence if we need it to make a decision on your case.

#### **If you have also filed your Form I-485, USCIS will:**

- Send you a notice for an appointment to have your fingerprints and photographs taken (also known as biometrics).
- Ask you to submit [Form I-693, Report of Medical Examination and Vaccination Record](#), if you did not submit it with the Form I-485, or if you previously submitted it but the medical exam has expired.
- Contact you for additional evidence or for an interview with an immigration services officer, if needed, to make a decision on your case.

Note: When you apply for SIJ classification or for a Green Card based on SIJ classification, we will NOT require you to contact the individual or family members of the individual who abused, abandoned, or neglected you.

### **Decisions**

USCIS generally makes decisions on SIJ petitions within 180 days (about six months) from your official filing date. If you did not submit sufficient evidence to establish your eligibility, the case processing clock stops the day USCIS sends you a Request for Evidence (RFE) and resumes the day USCIS receives your response to the RFE.

While USCIS generally adjudicates [Form I-360](#) petitions for SIJ classification within 180 days, this time frame does not apply to [Form I-485](#).

#### *SIJ Petition (Form I-360)*

- If we approve your SIJ petition, we will send you an approval notice.
- If we deny your SIJ petition, we will send you a written decision telling you why, and how you can appeal the decision.

#### *Green Card Based on SIJ Classification (Form I-485)*

- If we approve your Green Card application, we will send you an approval notice. You become a lawful permanent resident on the date we approve your Form I-485. The approval date will appear in the approval notice mailed to you and on your Green Card (also called a Permanent Resident Card or Form I-551).
- If we deny your application, we will send you a written decision telling you why. You cannot appeal the denial, but you may file a motion to reopen or reconsider, or renew the application in Immigration Court. The denial notice should include instructions for filing a Form I-290B, Notice of Appeal or Motion.

### **Case Inquiries**

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You can check your [case status online](#) or ask about your case by calling us at 800-375-5283 or by making an [InfoPass](#) appointment if your petition and/or application is pending at a USCIS field office. If your petition or application is pending at the National Benefits Center, you may email [NBCSIJ@uscis.dhs.gov](mailto:NBCSIJ@uscis.dhs.gov).

## Resources

### Resources for State Juvenile Courts and Child Welfare Agencies

- Brochure: [Immigration Relief for Abused Children \(PDF, 317 KB\)](#)
- Outreach Requests and General Questions
  - State juvenile courts and state and county-administered child welfare agencies may ask USCIS general questions about the SIJ program or request that a USCIS representative speak with them about the SIJ program. Submit a request by emailing [USCIS-IGAO outreach@uscis.dhs.gov](mailto:IGAO outreach@uscis.dhs.gov).
  - State juvenile courts and child welfare agencies may contact U.S. Immigration and Customs Enforcement Homeland Security Investigations at 1-866-DHS-2-ICE with concerns about human smuggling and trafficking.

### Forms

- [I-360, Petition for Amerasian, Widow\(er\), or Special Immigrant](#)
- [I-485, Application to Register Permanent Residence or Adjust Status](#)
- [I-765, Application for Employment Authorization](#)
- [I-601, Application for Waiver of Grounds of Inadmissibility](#)
- [I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal](#)
- [I-912, Request for Fee Waiver](#)
- [Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative \(PDF, 351 KB\)](#)
- [Form I-693, Report of Medical Examination and Vaccination](#)

### Tools

- Case specific inquiries:
  - Go to [Case Status Online](#) page
  - Call the USCIS Contact Center at 800-375-5283
  - Email us at [NBCSIJ@uscis.dhs.gov](mailto:NBCSIJ@uscis.dhs.gov) for petitions and applications pending at the National Benefits Center

### Policy Guidance

- USCIS Policy Manual guidance
  - [Volume 6, Part J: Special Immigrant Juveniles](#)
  - [Volume 7, Part F: Special Immigrant-Based \(EB-4\) Adjustment of Status, Chapter 7, Special Immigrant Juveniles](#)

### Settlement Agreement

- [Updated Implementation of the Special Immigrant Juvenile Perez-Olano Settlement Agreement \(PDF, 284 KB\)](#)

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- [Settlement Agreement in Perez-Olano, et al. v. Holder, et al.:](#) [Web page](#)
- [Final Stipulation Agreement for Perez-Olano, et al. v. Holder, et al. \(PDF, 455 KB\)](#).

**Data**

- [Data Set: Form I-360 Petition for Special Immigrant Juveniles](#)

**Unaccompanied Alien Child (UAC) Resources**

- [Office of Refugee Resettlement, Unaccompanied Children's Services Program](#)
- [Unaccompanied Refugee Minor Program \(URM\)](#).

Last Reviewed/Updated: 04/10/2018