

1. What is Special Immigrant Juvenile Status (SIJS)?
 - SIJS is a humanitarian form of immigration relief for certain undocumented immigrant children who have been abused, abandoned, or neglected by one or both parents. Its an application that can be filed following a family court order stating the abandonment/neglect, that it is not in the child's best interest to return to their country, and reunification with the abandoning parent(s) is not feasible.
2. Who is eligible for SIJS?
 - Eligibility typically requires that the child is under 21 (to file the SIJS application, however custody in the majority of states must be complete before the minor reaches 18 years old), unmarried, and has been the victim of abuse, abandonment, or neglect by one or both parents.
3. What type of abuse, abandonment, or neglect qualifies for SIJS?
 - SIJS eligibility is based on state family law findings of abuse, abandonment, or neglect that make it not in the child's best interest to be reunited with one or both parents. In the past, immigration has found this to be lack of financial and emotional support, physical abuse, allowing the child to depart their country of origin on their own to come to the United States.
4. Do the child's parents need to be legally separated or divorced for SIJS eligibility?
 - No, legal separation or divorce is not required. It can be disclosed in the family court complaint either way.
5. Can children over 18 apply for SIJS?
 - Generally, the child must be under 21 and unmarried at the time of filing the SIJS petition. For the custody portion, the child (in the majority of states) must be under 18.
6. Can children in foster care qualify for SIJS?
 - Yes, children in foster care may be eligible for SIJS if they meet the criteria of abuse, abandonment, or neglect, and it is not in their best interest to be reunited with one or both parents. It is not a requirement for the guardian to be a biological family member, but the foster parent, if in agreement, can be the Plaintiff/Guardian.
7. What is the process for obtaining SIJS?
 - The process involves obtaining a state court order making specific findings related to abuse, abandonment, or neglect and then filing Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, with USCIS. The I-360 must be adjudicated within 180 days.
8. How does the state court order relate to SIJS?
 - The state court order must contain findings that it is not in the child's best interest to be reunified with one or both parents due to abuse, abandonment, or neglect and it is also against the child's best interest to have them returned to their country of origin.
9. Can a child apply for SIJS if both parents are alive?
 - Yes, a child can still be eligible for SIJS if the court finds that reunification with one or both parents is not in the child's best interest due to abuse, abandonment, or neglect. In this situation, there would need to be a third party taking custody of the minor (such as an aunt/uncle, cousin, older sibling, grandparent, etc.). It is not required to be a family member, but tradition shows that family courts may prefer this for best placement of the child.
10. Can children in removal proceedings apply for SIJS?
 - Yes, children in removal proceedings can apply for SIJS. It can provide a pathway to obtain lawful permanent residency and potentially prevent deportation. There are options eventually to have the case terminated in court at a later date.
11. Can SIJS beneficiaries apply for U.S. citizenship?

- Yes, SIJS beneficiaries who obtain lawful permanent residency can apply for U.S. citizenship after meeting the required residency and other eligibility criteria for naturalization (18, LPR for 5 years, good moral character, physical presence as an LPR, etc.).
12. What is the role of USCIS in the SIJS process?
 - USCIS reviews and adjudicates the Form I-360 petition, determining whether the child meets the eligibility criteria for SIJS. They must process this application within 180 days, and this includes whether or not any RFEs are issued in the case.
 13. Can a child apply for SIJS without an attorney?
 - While it's possible, it is highly recommended to seek legal assistance to navigate the complexities of the SIJS process and ensure all eligibility requirements are met. Especially since there are multiple steps to the process (first custody, then I-360 application, then waiting for the priority date to be current for residency).
 14. Is there a filing fee for the SIJS petition?
 - Yes, the current filing fee for the SIJS petition is \$250.00.
 15. Can SIJS beneficiaries include their siblings in the application?
 - No, SIJS is specific to the individual child only, and the benefits do not extend to siblings (or anyone else). Each child must have a separate SIJS petition, even if it stems from the same custody order.
 16. What happens after USCIS approves the SIJS petition?
 - After approval, the child will wait for the priority date on the visa bulletin to be current for their country. As of 02/08/2024, this process is taking about 5 years, so it definitely benefits to apply for an EAD, even if the child is young because they can get access to the social security system.
 17. Can SIJS beneficiaries travel outside the U.S.?
 - There is no authorization to travel outside the U.S. by SIJS beneficiaries. It will also be frowned upon considering the application is based on the fact that it is not in the child's best interest to return to their country.
 18. Can children with prior delinquency or criminal issues apply for SIJS?
 - Any criminal charges must be fully disclosed, even if the child had it expunged – especially at the residency application stage. At the SIJS petition stage, it doesn't affect them as much because there are not specific questions on the application that are directed towards criminal history.
 19. Can a child lose SIJS status?
 - Once granted, SIJS status is generally not lost, but USCIS has the right to revoke if they find misrepresentation or fraud.