

# SIJS Awareness

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## A Path to Safety

Understanding Special Immigrant Juvenile Status

### History of SIJS

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A Path to Safety for Vulnerable Children

#### Created in 1990

By the Immigration Act of 1990

#### Under 21 Years

Must be under 21 and unmarried

#### Humanitarian Protection

For abused, neglected, or abandoned children

#### Path to Green Card

And eventual U.S. citizenship

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# What is SIJS?

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Special Immigrant Juvenile Status (SIJS) is a unique immigration protection for children who have been abused, neglected, or abandoned by one or both parents.

SIJS involves a two-step process:

1. State Court: Obtain an order from a juvenile court with SIJS findings
2. Federal: File a petition with USCIS

The Immigration Act of 1990 created SIJS to protect vulnerable immigrant children. USCIS must process petitions within 180 days.

## The SIJS Process

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### 1 Step 1: State Court

Obtain an order from a juvenile court with SIJS findings, including: dependency or custody of a state court/ agency, reunification with one or both parents is not viable due to abuse, neglect, or abandonment, and it is not in the child's best interest to return to their home country.

### 2 Step 2: USCIS Petition

File Form I-360 (Petition for Amerasian, Widow(er), or Special Immigrant)

### 3 Step 3: Green Card

File Form I-485 (Application to Register Permanent Residence) when a visa number becomes available

# Benefits of SIJS

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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

Once green card is obtained, can 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

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

**100,000+**

Youth in Backlog

**4-5 Years**

Average Wait Time

**151**

Countries Represented

**50**

States with SIJS Youth

# Legislative Timeline

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How SIJS has evolved to better protect vulnerable children

**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.*

# Legislative Timeline (2008-2025)

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**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.*

**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: SIJS youth can again apply for work permits and protection from deportation.*