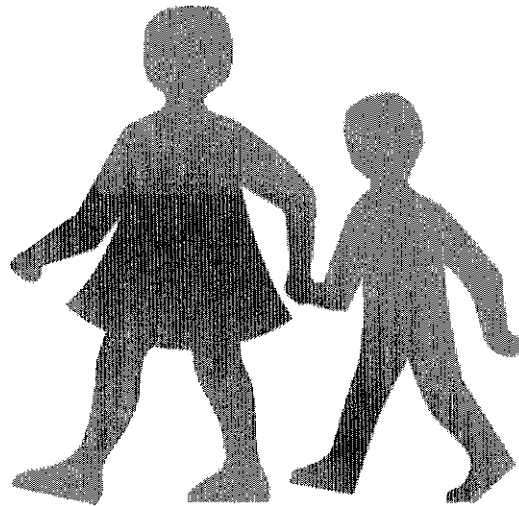


# A Young Person's Guide to Applying for Special Immigrant Juvenile Status (SIJS)



Please note that this is a guide to Special Immigrant Juvenile Status (SIJS) specifically for young people who are already in removal, or deportation, proceedings. If you are not in removal proceedings, you can still apply for SIJS. However, it's important for you to know that the details of the process will be a little different. It is best to talk over your options with an attorney who understands the SIJS process.

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## Introduction

### What is Special Immigrant Juvenile Status (also known as SIJS)?

SIJS is a law in the United States that helps protect immigrant kids from removal if they have been abused, abandoned, or neglected by one or both of their parents. "Removal" is another word for "deportation."

Before we go on, it is important to understand that applying for SIJS does NOT necessarily mean that your mom or dad were bad parents. Sometimes SIJS is given to kids whose parents **could not** care for them, which doesn't mean that their parents didn't try or want to.

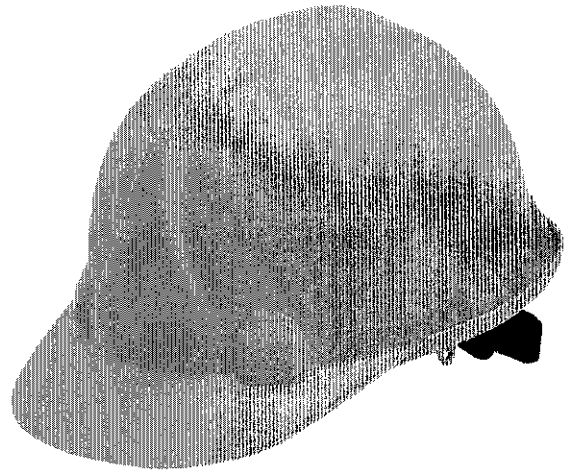
If you win SIJS, you will be able to stop your removal and have the chance to become a lawful permanent resident.

Remember:

- **Removal** means that you are returned to your home country.
- Being a **lawful permanent resident** means that you have permission to live and work **permanently** anywhere in the United States.
  - Once you are a permanent resident you will have certain benefits like:
    - A work permit
    - The ability to ask the government to allow certain relatives to immigrate
    - A path to U.S. citizenship

This guide will give you the basics about SIJS and explain how you might use SIJS to stop your removal. We'll also talk about how to apply for SIJS and what you need to build a strong case. Let's get to work!

Before we get started, you should know that SIJS is complicated! There is a lot of information here. You can break this packet up by reading one chapter every day. That way you won't get overloaded with too much information! This packet is meant to give you a better idea of SIJS before or after you meet with an attorney.

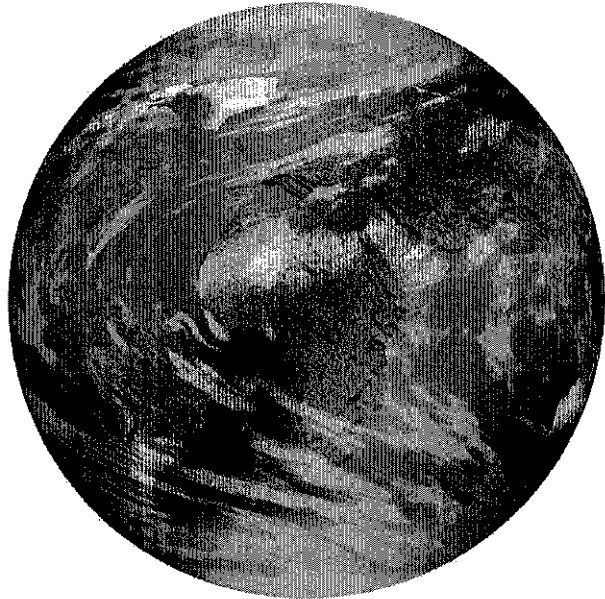


## Chapter One

### Who should apply for Special Immigrant Juvenile Status (SIJS)?

To win an SIJS case you must:

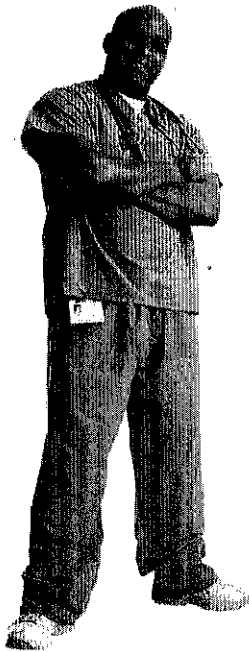
- Be under 21 years old
- Be in the United States
- Not be married. It is okay if you are divorced, widowed, or have children, but you cannot be married during your SIJS application process.
- Be able to show that you merit lawful permanent residence
  - Many of the rules you will see on the application form for lawful permanent residence have to do with criminal convictions. Certain kinds of criminal convictions can make it hard or impossible for you to win permanent residence, and this could affect your chances of winning SIJS. But remember **juvenile delinquencies generally do not count as criminal convictions**, so make sure you understand what kind of convictions you have had.
- Finally—and this is VERY important—in order to be able to apply for SIJS you must have an order from a juvenile court that says that you cannot live with one or both of your parents because they abused, abandoned, or neglected you. It also must say that the court gave someone else custody of you and that it is not in your best interest to return to your country.



**Remember:** a court order is simply a piece of paper that is signed by a judge.

But let's slow down a minute here! Abuse, neglect, and abandonment are words that have many different meanings and can look many different ways:

- **Abuse:** The abuse can come from your parents, and it can also come from someone else. For example, maybe your neighbor was abusing you, and your parents knew about it but could not protect you from it. This still means that your parents were unable to keep you safe.
- **Neglect:** This word is used for all of the different ways that a parent can fail to take care of you and put you at risk of harm.



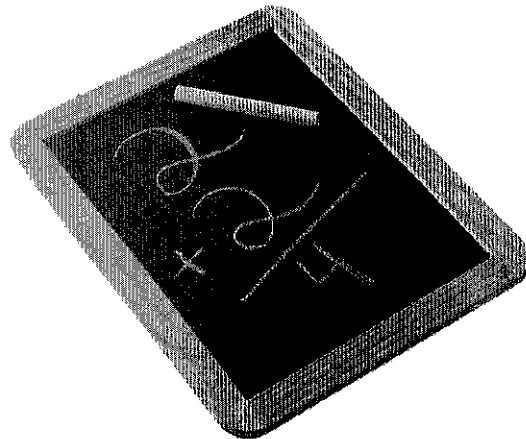
- Example 1: Maybe your dad drank a lot and spent his money on alcohol instead of buying enough food for you and your siblings.
  - Example 2: Maybe both of your parents tried hard to take good care of you, but they had such little money that they were not able to do so. This can count as neglect if your parents' lack of money put you in an unsafe situation, like if you got very sick but your parents were not able to give you the medical care that you needed.

- **Abandonment:** This is a fancy word that simply means that one or both of your parents do not live with you and do not help to raise you. Maybe your father moved away and you haven't seen or heard of him in years. Maybe your mom or dad has passed away. Most states say that a parent who hasn't had regular contact with, or provided support to, his or her children for more than 1 year has abandoned them.

We know that it is hard to think about having felt abused, neglected, or abandoned. But these are the words the law uses, and to apply for SIJS you need to be very brave and think about all the ways your parents were not able to take care of you.

2. The second important thing that your court order needs to say is that it is **not in your best interest** to return to your home country.

- This can also mean a lot of things. And the meaning will change depending on what state you live in.
  - It might be that you would not be able to get schooling in your home country
  - It might be that you have a medical issue and could not get the care that you need in your home country
  - It might be that you do not have family members who could raise you in your home country



The way to get this court order is also different in every state! For this reason, you should do everything possible to find an attorney to help guide you through the steps to get this court order.



But before you look for an attorney, you should know that there are different kinds of attorneys.

Some attorneys focus on immigration law. Other attorneys focus on state law. **An immigration attorney who focuses on kids' immigration visas would be the best person to ask about how to get a court order for SIJS.** (We will talk more about how to look to for an attorney at the end of Chapter 3.)

## Chapter Two Getting Ready, Gearing Up, and Laying the Groundwork to Apply for SIJS

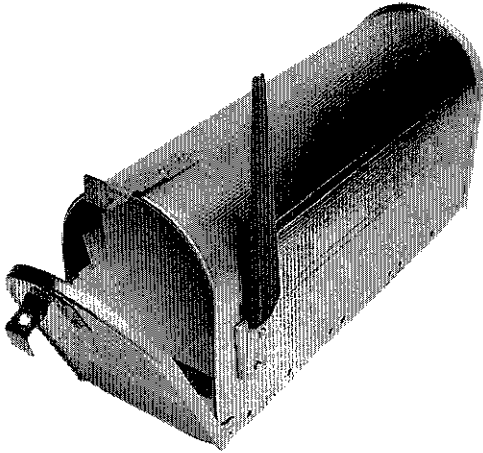
Now that you know what SIJS is and who is able to win SIJS, let's talk about how to apply for SIJS!

To apply for SIJS you will need to take 5 important steps:

1. Go to immigration court hearings and let them know that you are applying for SIJS as a minor who crossed into to the U.S. without a parent. (In court, this is called being an Unaccompanied Minor or "UAC.")
2. Find a good attorney and meet with him or her regularly.
3. Get your court order from a juvenile court saying that you cannot return to your parents because of their abuse, abandonment, or neglect. (This is the court order that we talked about at the beginning of Chapter One.)
4. Send an SIJS petition to a government office called USCIS and follow all of the steps they give you to complete.
5. Return to the immigration court once your SIJS petition is approved and ask the judge to allow you to become a lawful permanent resident.

Now let's start with the first of these!

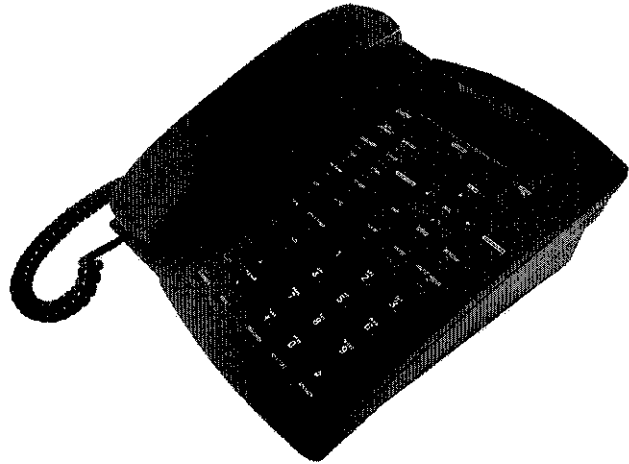
### **STEP 1: Your First Immigration Court Hearing**



You are going to get a letter in the mail that tells you the date of your first court hearing. It is important to know that once in a while this letter can get lost. So as soon as you are released from an Office of Refugee Resettlement (ORR) shelter, you should call the court hotline number below at least once a week just to make sure that this letter hasn't gotten lost and that you haven't already been given a court date.

To call the court, you should:

1. Dial 1-800-898-7180. Don't worry about feeling shy! This hotline is an automated system, which means that you won't actually be talking to a person, you'll only be listening to recordings.
2. Next you can press 1 for English or 2 for Spanish.
3. Next you put in your A number. That is a number of identification that the government has given you. It is 9 digits long and should look something like this: 555-555-555.
4. Next you simply follow the directions that the recording gives you.
5. Finally the recording will tell you whether or not you have a court date!



**If the recording says that "the A number information you entered does not match a record in our system..." this simply means that you do NOT yet have a court date. You should call the number weekly to make sure you won't miss Court.**



Now let's talk about who is going to be at this first court hearing and what is going to happen there.

**Remember:** "Hearing" is just a fancy word for every time you meet with a judge in court.

**The Judge:** This person will be at the front of the room and will ask you questions. He or she will be dressed like the person on the left. The judge will be making all of the important decisions about your case. It is important to be respectful and polite when you are answering the judge! When you go to court, please remember to wear the same clothes you would wear to church or when you visit older family members. Never wear a baseball cap or chew gum in court because it shows disrespect to the judge!

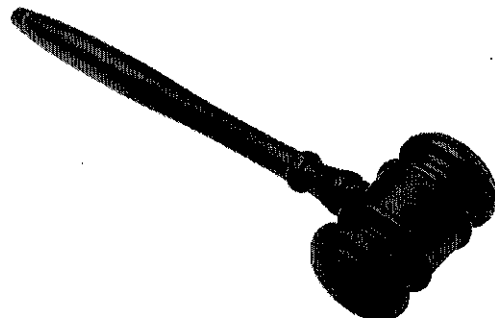
**A government attorney:** When you go to court, a lawyer for Immigration and Customs Enforcement (ICE) will be there. This is the government attorney whose job is to investigate all of the reasons why you should **not** be allowed to stay in the country.

- **For example**, it is the job of the government attorney to find out whether you have been removed in the past and whether you have had criminal convictions. This is why it is **never** a good idea to lie about your past!

**An interpreter:** Don't worry if you don't speak English or even Spanish! An interpreter will be there in person or over the phone. This person's job is to translate everything the judge says into the language that you most prefer.

Your first hearing in immigration court will be very simple and speedy! If you haven't been able to find an attorney to take your case, don't worry. The only person who HAS to show up to immigration court is YOU. Please remember that if you miss even one of your immigration court hearings, the judge could order you removed. And if you are ordered removed, you will lose your chance to fight to stay here in the U.S.

At the first hearing, the judge will ask you some very simple questions. And it is your job to answer the judge with honesty and politeness.



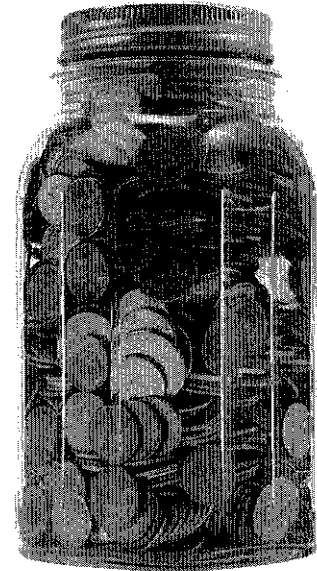


At the end of your hearing, the judge will ask you if you want more time to look for an attorney. The judge will give you a list of many attorneys who work close to where you live. But it's important to know that there is **NO GUARANTEE THAT YOU WILL GET A FREE ATTORNEY.**

Make sure to tell the judge that you are an **Unaccompanied Minor, also known as a UAC.** She might know of attorneys in your area who work with UACs. Being a UAC means that you crossed into the U.S. without a parent who could care for you. That does **NOT** necessarily mean that you do not live with a parent in the United States. As long as you crossed the border without a parent who could care for you, the law will consider you a UAC, even if you now live with a parent. This is important because there are certain groups of attorneys that will work with UACs for free.

- **Also,** it is easier to find a free attorney if you are a minor. This means that if you are close to turning 18 years old, you should start looking for an attorney as soon as possible!
- **But,** each state in the United States is different. In some states there are a lot of attorneys who work with minors or UACs for free. In other states there are very few free attorneys. If you are unable to find a free attorney, it may be worth it to pay for an attorney to help you apply for SIJS.

Finally, the judge will set the date and time of your second court hearing, which brings us to the next part of applying for Special Immigrant Juvenile Status or SIJS...



## **STEP 2: Meeting with an Attorney**

By this point, the judge has given you the date and time of your next immigration court hearing. But, before your next court hearing, you have to do some homework! Your homework is to find an attorney. You can call the attorneys on the list that the judge gave you.



**Remember, though, that not all immigration attorneys are good attorneys. Some people might even mislead you to believe that they are an attorney when in fact they are NOT an attorney. In order to protect yourself from these people, you should ask them in what states they are allowed to practice law, and always look for an attorney with a good reputation. Maybe**

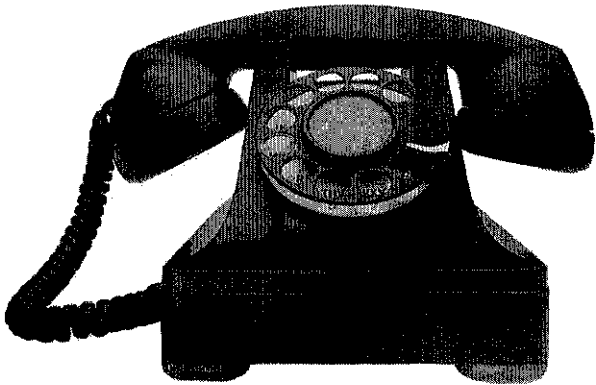
**your family or friends can recommend you an attorney that they know to be good.**

With this in mind, what should you say when you call up an attorney?

Calling an attorney is easy! Simply tell them that you came to the United States as an unaccompanied minor and that you would like an initial consultation.

**Remember:** An initial consultation is just a fancy name for the first time you meet with an attorney.

Sometimes when you call an attorney, no one will answer the phone. If nobody answers the phone you should leave a voice message saying:



- Your full name
- Your phone number, with an area code. Usually it is a number with 10 digits, for example (987) 654-3210. The first three digits are the area code
  - That you came to the United States as an unaccompanied minor
  - And that you would like an initial consultation

When the attorney or their legal assistant calls you back, they will give you a date and time for your initial consultation. It is very important for you to arrive on time for this meeting! At the initial consultation an attorney or legal assistant will ask you many questions about your past to see whether or not they will be able to help you apply for SIJS or any other visa.

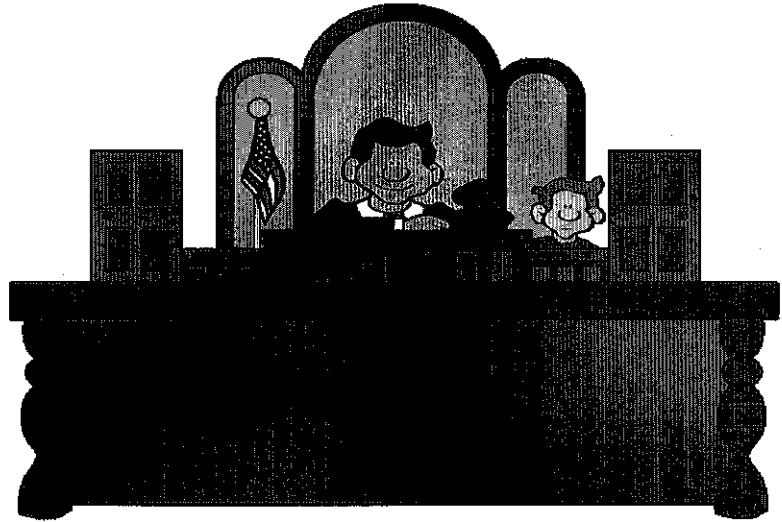
If an attorney is willing to take your case, it is a good idea to ask the following questions:

- Have you represented children like me in SIJS cases?
- What happened in those cases?
- How much will you charge me? Could all of these expenses be listed in our contract?
- Will you keep fighting my case even if we lose at first?
- What do you need from me to fight my case?

And now you are ready for the third step in applying for SIJS....

### **STEP 3: Get your court order from a juvenile court**

As we've already said, the process of getting this court order is different depending on the state in which you live. This is why it is a good idea to ask your immigration attorney to explain what that process looks like in your state or to recommend you another attorney who can help you in this process.



Remember that your court order needs to say 2 very important things:

1. It is **not possible for you to return to one or both of your parents because of abuse, neglect, abandonment, or something similar**; and
2. It is **not in your best interest to return to your home country**

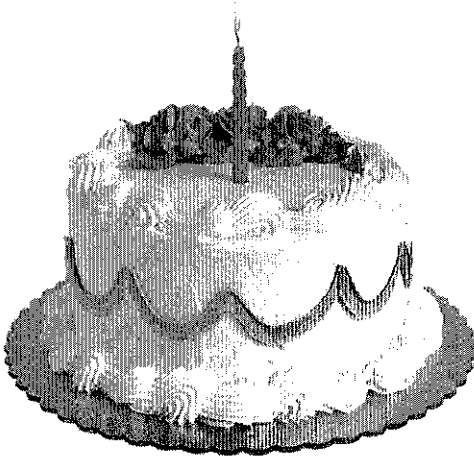
You and your attorney will work together to come up with the best way to ask the judge for this order. Generally, you will give the judge a written statement or your testimony to prove that your parents abused, abandoned, or neglected you.

In some cases, you will need to testify in court about your relationship with your parents and why you cannot return to your home country. Because you may get nervous, you should practice what you want to say before you say it to the judge. Your attorney will help you.

Once you have received your court order, you are ready for....

## Chapter Three Applying for SIJS!

**STEP 4:** Send your SIJS visa application to a government office called USCIS and follow all the steps they give you to complete the process.



To apply for SIJS, you will be sending a form that is called an SIJS petition or I-360 petition to a government office called USCIS. If you have an immigration attorney, then the attorney will put together this petition for you.

**But wait! I've already turned 18. Can I still file my I-360 petition? Even if the juvenile court case is closed because you turned 18, you can still file the petition. The law says that you can submit the SIJS petition up until you turn 21. But don't wait, it's better to submit it as soon as possible.**

To submit an I-360 application to USCIS, your attorney will:

- Complete the I-360 application form
- Include your birth certificate
- Include your court order

Sometimes, USCIS will require you to go to its office for an interview. But more often, USCIS will simply mail you a decision within six months of receiving your application.

If USCIS denies your application, then you will have a chance to **appeal**. To appeal means that you disagree with the decision of USCIS and are asking for your case to be reconsidered.

If USCIS accepts your petition, you or your attorney will need to show this letter of acceptance to the judge at your next hearing in immigration court. You will also be ready to apply for "adjustment of status." An adjustment of status means that you become a lawful permanent resident of the United States!

It's important to know that while USCIS is processing your SIJS petition, you will need to do 2 things at once:

- You will do everything that USCIS asks of you, AND
- You will also continue to go to all of your immigration court hearings and ask for more time while USCIS considers your case.

But don't worry, going to immigration court is simple now that you are filing your SIJS petition with USCIS. When you go to immigration court, you or your attorney will explain to the judge that you are applying for SIJS and need more time until you hear back from the USCIS office. Basically, you are simply asking for **more time** at each of your immigration court hearings. The judge should understand that it is not that you are trying to delay your case, but that your application is being processed by another government agency.

STEP 5: USCIS accepted my petition! Now how do I become a Lawful Permanent Resident?

- **Remember:** Being a **lawful permanent resident** means that you have permission to live and work **permanently** anywhere in the United States.

You are very close to the finish line, but you still have a few more steps to take before you can become a lawful permanent resident....

The first step you or your attorney will take is to fill out a form called "adjustment of status," or the I-485 form. You will turn this form in to the immigration judge, who will make the final decision about whether you can become a permanent resident or not.

You also have to send the forms below along with your I-485:

1. A medical exam, called the I-693 Report of Medical Examination and Vaccine Records
  - Many community doctors' offices offer these medical exams to people applying for immigration visas. They are called "civil surgeons." You can find a list at [uscis.gov](http://uscis.gov). You could also call a doctor's office near you to see if they offer a "medical evaluation for immigration purposes," and ask how much it costs. You might also have to get some vaccines that you haven't yet gotten, and each vaccine has its own cost.
2. An application for permission to work (this form is called the I-765)
3. A form with your biographical information (this form is called the G-325)
4. If you have done something illegal in the past or if you have been removed in the past, then you will need to fill out a form called the "waiver of grounds of inadmissibility." This form basically asks the government to let you become a lawful permanent resident even though you have done some things that are not allowed in the United States (this form is called the I-601).



5. If you cannot pay the costs of submitting these forms with the immigration court, then you will need to fill out a fee waiver.
6. And finally, you will need to send 2 passport-sized photos. These cost about \$10 and you can usually get them taken at your local drugstore.

When you have filled out these forms, you or your attorney will need to send them to the immigration court. Once the immigration court has received these forms, you will go to your final court hearing, where the judge will decide whether he will approve your adjustment of status and make you a lawful permanent resident, or deny your adjustment of status.

One other strategy your attorney could try is to ask the immigration judge to close your case and allow you to apply for adjustment of status with the government office called USCIS. The decision to do this depends on the details of each case.

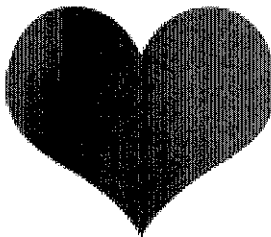
During this court hearing the judge may ask questions that you already answered in the forms that you handed in, so make sure that you entered all the correct information when you filled out these forms, and be prepared to repeat that information in court.

Here are a few examples of things you should be prepared to talk about in court:

- How you traveled to the United States and crossed the border
- Any illegal activity in your past, such as drug use or gang membership
- Whether you have broken any law in your home country or in the U.S.
- Whether you have contact with your parents while in the U.S.
- Your school attendance and future plans

Finally, it's a good idea to keep these tips in mind when practicing for this hearing:

- Be prepared: Your attorney will help you prepare for this hearing, but you can work on preparing yourself too. You can write a list of the reasons why you're a good person who deserves to become a permanent resident.



- Speak from the heart: Don't worry if you become nervous or emotional in this hearing—it happens to many people. If you need to take a break, just tell the judge. It can be hard to talk to strangers about very personal experiences.
- Be honest: Your job is to answer the judge's questions with honesty and politeness. If you have criminal charges or have come into the country before, and the judge asks you about this, tell her what happened. Lying will just make things worse, and the government often has ways to figure out if you are lying.

- Remember that a government attorney will also be at this court hearing: Both the judge and the government attorney have the right to ask you very specific questions. Listen to their questions and try to answer them the best you can. Be respectful when either the judge or the government attorney speaks. Wear your best outfit. Leave your baseball cap and gum at home!
- If you don't understand a question, it is okay to say so. You can ask for them to repeat it or tell the judge that you are confused. Don't try to answer a question that you don't understand.

Now that the court has all the information about your case, the judge is ready to decide if you can become a permanent resident or not. We wish you the best of luck! Remember, if the judge denies your application, you can appeal your case. That means that a higher court can look at the decision to see if the judge made a mistake.

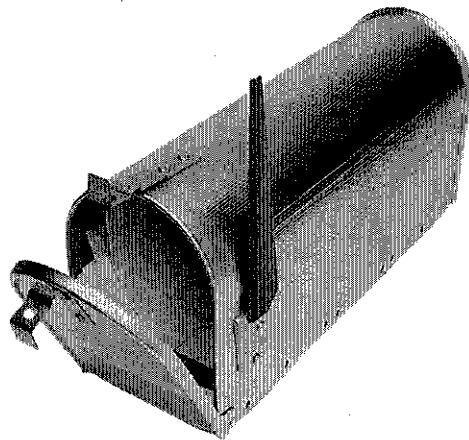
#### Chapter Four

#### What happens if I move while my SIJS application and immigration court hearings are still going on?

It is very important that you follow these steps to make sure that the immigration court and USCIS know how to contact you. Remember that you will be getting important letters in the mail, like the letter that lets you know when and where your next court hearing is. You will not be able to get these letters if the immigration court and USCIS do not know where you live!

If you have moved within your city or a very close distance away, then you need to:

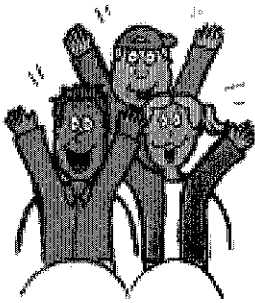
1. Let USCIS know that you have moved by filling out a form called the AR-11. Here is a copy of this form and instructions that tell you how to fill it out:  
<http://www.uscis.gov/addresschange>.
2. Let the immigration court and the government attorney know that you have a new address by filling out a form called EOIR-33. You can find this form here: <http://www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing>. You will need to send one copy of this form to the immigration court, and another copy to the office of Immigration and Customs Enforcement (ICE) in your district. You can find the address to the ICE office in your district here: <https://www.ice.gov/contact/legal>.



If you have moved far away to a new city and your city has a different immigration court, then you need to fill out the two forms above, and you ALSO need to write a letter to your previous court. This letter is called the "Motion to Change Venue." You can find examples of this letter attached to this guide. This letter should explain to the judge that you have moved and that you need to change your immigration court to the one closest to your new address. Remember that you will also have to mail a copy of this letter to the Immigration and Customs Enforcement Office closest to you.

Once you have sent this letter, it is important to call the immigration court hotline at 1-800-898-7180 to see if the court has accepted your request to change locations. If the court does not accept your request before your next hearing, remember that you have to come back to the court where your case is scheduled. If you do not show up at court on the date of your hearing, the judge could order you removed.

### Final Thoughts



SIJS cases are complicated. It's normal to feel nervous or scared about applying. One of the best things you can do for your case is to work hard to find a good attorney and gather all the evidence that you can to support your case. We wish you the best of luck with your case!