

FORMS & FEES: **For Special Immigrant Juvenile Status (SIJS) Applicants**

A. Forms

Immigration attorneys will typically file three applications for SIJS applicants.

1. ***I-360 Petition for Special Immigrant:*** This grants the child approval for a visa and must be determined before the child reaches the “age of majority” and while the child is still dependent upon the juvenile court (depending on state child welfare laws, a child may remain dependent anywhere from age 18 to 21). Prior to submitting the I-360, a DUCS¹ foster care child must have received “specific consent” from the Department of Homeland Security (DHS) to seek juvenile court jurisdiction (or “dependency”), and then subsequently received a juvenile court order finding that:
 - a. The child is dependent on the state due to abuse, abandonment or neglect;
 - b. The child is eligible for long-term foster care; and
 - c. It is not in the child’s best interests to return to the country of origin.

2. ***I-485 Application for Adjustment of Status (Green Card):*** If the I-360 is granted, the child is immediately eligible to “adjust status” to that of a Legal Permanent Resident (also called LPR, permanent resident, or green card holder). That process requires the submission of the I-485. SIJS-eligible children must adjust status to LPR status while still dependent upon the juvenile court, or they will become ineligible for legal status. That is, both the I-360 and the I-485 **must** be adjudicated before the child turns 21 and while the child is still under the jurisdiction of the juvenile court, which in some states may end before age 21.

Children who are not in removal proceedings would file the I-360 and the I-485 simultaneously. However, children who are in removal proceedings (going to hearings in immigration court)—which will include most DUCS children—must file the I-360 first. Once it is approved by U.S. Citizenship and Immigration Services (USCIS), the child can file the I-485 with the immigration court. While children are still in removal proceedings, only the immigration judge has jurisdiction over adjudication of the I-485 (also called adjustment of status). For children not in removal proceedings, or for whom removal proceedings have been terminated, USCIS has jurisdiction over adjudication of the I-485.

In addition to whether a child is, or is not, in removal proceedings, an immigration attorney may also consider local factors in the adjudication of SIJS cases, such as which system (USCIS or the immigration court) is more child friendly, which system can adjudicate the I-485 more quickly, or how each system might deal with any complicating factors (such as past arrests or delinquency issues).

¹ “DUCS” refers to children in programs funded by the Office of Refugee Resettlement’s (ORR) Division of Unaccompanied Children’s Services programs.

