



Special Immigrant Juvenile Status (SIJS) “At-Risk Juveniles”

What is Special Immigrant Juvenile Status (SIJS)?

If you:

- Are an immigrant youth
- Do not have permanent legal status in the US and
- Live with only one parent or do not live with either parent

you may be able to get “Special Immigrant Juvenile Status” or SIJS. Getting SIJS lets you be in the country legally.

U.S. Citizenship and Immigration Services (USCIS) has a lot of resources on SIJS on their [website](#).

- Read about [SIJS eligibility and how it works](#).
- Read [frequently asked questions](#) about SIJS.

Who can get SIJS?

You need to be:

- under 21 years old
- unmarried
- physically present in the United States and
- currently involved in a state court case about your custody or care OR you want to start a case to ask that a trusted adult in your life have custody or guardianship over you.



An order from the state court is the critical evidence you need to apply for SIJS. Make sure you talk to a lawyer so that your order has all necessary language.

Before you can apply for SIJS with USCIS, the state court has to make specific findings about you in a court order. Those findings are:

- You were abused, neglected or abandoned by one or both of your parents
- Getting back together with one or both parents is not possible because of the abuse, neglect or abandonment AND
- It is not in your best interests to be sent back to your country or the last place you lived.

In Minnesota, there are different types of state court proceedings where this could happen. They include juvenile protection cases (like child protection cases), family court custody cases, juvenile delinquency cases, and **“at-risk juvenile” guardianship cases**. This fact sheet talks about the process for seeking SIJS through a Minnesota “at-risk juvenile” guardianship.

Who can get an “at-risk juvenile” guardianship?

A Minnesota “at-risk juvenile” guardianship is for people who are:

- between 18 and 21 years old
- unmarried and
- potentially eligible for SIJS

If you are potentially eligible for SIJS but under 18 years old, you can’t get this type of guardianship. There are other ways you can seek SIJS. Talk to an immigration lawyer.



How do I get SIJS through an at-risk juvenile guardianship?

There are a number of steps you must take.

1. Meet with an immigration lawyer to decide if SIJS is a good option for you.
2. Before applying, you need to go to the state juvenile court. Your immigration lawyer might be able to help you with the state court order. Or they might have ideas about who can help you get your state court order. If you don’t have money to hire a lawyer you might be able to get help from local nonprofit organizations. See section below, “Who can help me through the process?”

If you want to try to start this process yourself, there are [forms and information](#) on the courts website. This process is complicated! You have to fulfill certain requirements like:

- Legal service to your parents
- Filling out and filing the court forms in the right way
- Paying the court fee or applying for a fee waiver, and
- Making sure you go to your court hearings

It is best to work with a lawyer if you can.

3. Find someone willing to be a guardian. The court has to approve your choice. The guardian should give you:
 - guidance and help
 - financial and emotional support
 - referrals to resources to help meet your needs
 - referrals and resources to protect you from sex or labor trafficking or domestic or sexual violence

4. At your hearing the court looks at the requirements listed above in “Who can get SIJS?”
5. At its core the state juvenile court order must:
 - a. Appoint you a guardian
 - b. Find that you have been abused, neglected or abandoned as defined under Minnesota state law and that you can’t go back with your parents.
 - c. Find that it’s not in your best interest to be sent back to your country

But, the statements in the Order should have specific details. This is important to make sure the Order is legal. The Order needs to:

1. meet the requirements of the law so that the appointment of your guardian is valid
2. have all the information needed in the “findings” section. This lets USCIS know that you are a Special Immigrant Juvenile.

Having an immigration lawyer review both your petition and proposed order before they are finalized is recommended.

6. Once you have the state juvenile court order, you can apply for SIJS with USCIS. You do this by filing [Form I-360](#) at the [location listed for your state](#). You need to include:
 - a copy of the juvenile court order appointing a guardian and making the SIJS findings
 - proof that you are under 21 years old at the time you file, like a copy of your birth certificate.
 - If your birth certificate is not in English you have to include a translation, along with a [certification of translation](#).

If you are filing this application on your own, read all of the filing instructions on [USCIS’ website](#) very carefully! It is important that you include all the necessary proofs that USCIS needs to see along with your I-360 application.

There are very specific requirements to this process. You should meet with an immigration lawyer if you haven’t already!



7. Once you file Form I-360 with all the necessary proof talked about above, it is reviewed by USCIS. They review everything to make sure you meet all the requirements showing you are eligible for SIJS.

What happens if I get SIJS?

Once USCIS approves your SIJS, you may get access to certain benefits. Talk to an immigration lawyer to see what you can get.

- Many Special Immigrant Juveniles can apply for a green card in a few years after they get SIJS. After having a green card for a certain number of years you can apply to become a citizen. Talk to an immigration lawyer about these next steps.
- Some Special Immigrant Juveniles are also granted Deferred Action. With Deferred Action you can:
 - Get some protection from deportation
 - Apply for a work permit
 - Apply for a social security number, and
 - Get access to some federal healthcare programs and federal financial aid

Can I lose my SIJS once I have it?

USCIS can only take away your SIJS in certain situations. One example is if a court decides your state court order is no longer valid. Talk to an immigration lawyer right away if you get a notice from USCIS saying they want to rescind (take away) your SIJS grant.



Who can help me through the process?

There are organizations that can help you understand the process or even help you go through the process.

Mid Minnesota Legal Aid

1 (877) 696-6529

<http://mylegalaid.org/>

The Advocates For Human Rights

<https://www.theadvocatesforhumanrights.org/Home>

(612) 341-9845

Immigrant Law Center of Minnesota (ILCM)

(651) 641-1011

<https://www.ilcm.org/>

Volunteer Lawyers Network (VLN) – they help with state court part only

(612) 752-6677

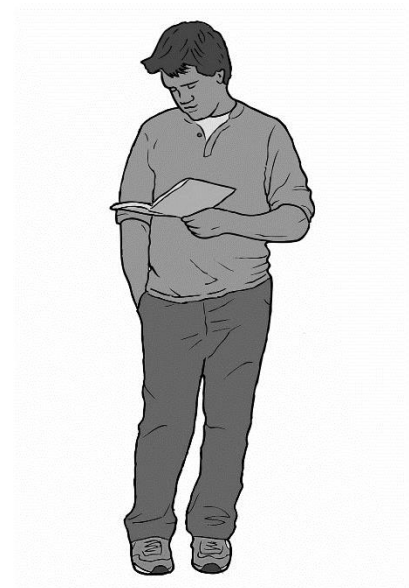
<https://www.vlnmn.org/>

What if I don't get SIJS?

If the court doesn't approve your SIJS application you may have other options. Talk to an immigration lawyer about:

- Family Based Immigration
- U Visa
- T Visa
- DACA
- Violence against women act relief
- Asylum
- Refugee/asylee adjustment of status
- Derivate citizenship
- and more

See our fact sheet [Information for Immigrant Youth.](#)



Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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