The Florence Immigrant & Refugee Rights Project is a nonprofit legal services organization that works with adults and children in immigration custody in Arizona. The staff of the Florence Project prepared and updated this guide for immigrant detainees who represent themselves in their removal proceedings. We do not charge for our services. To see our guides, go to: www.firrp.org

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Contents

Who Is This Guide For?.........................................................................................................................2
What Is Special Immigrant Juvenile Status? ................................................................................. .3
Can You Apply for Special Immigrant Juvenile Status? ............................................................... 4
How Do You Apply for SIJS? ........................................................................................................... 6
How Should You Prepare for Your Hearing? ................................................................................... 16
What Happens if You Move While Your Application and Immigration Court Hearings Are Still Going On? .................................................................................................................. 18
Final Thoughts ................................................................................................................................. 19
Who Is this Guide for?

If you are under 21, this guide is for you.

If you are already in removal—or deportation—proceedings, you may be able to apply for Special Immigrant Juvenile Status (or SIJS for short). If you are not in removal proceedings, you may still apply, but the details of the process will be a little different.

SIJS is complicated. Read this guide to learn the basics and how you may use SIJS to stop your removal and stay in the U.S. In the guide, you will learn how to apply, how to build a strong case, and how to prepare to meet with an attorney. Since you must learn a lot of information, you may want to read parts of it at a time.

For the best advice, talk to an attorney who understands the SIJS process. If you have questions, contact the Florence Project at www.firrp.org.

Let us explain the basics you should know.

What Is Special Immigrant Juvenile Status?

SIJS is a law in the United States that helps protect immigrant kids from being removed—or deported—if one or both of their parents have abused, abandoned, or neglected them.

If you apply for SIJS it does NOT necessarily mean that your mom or dad were bad parents. Sometimes SIJS is given to kids because their parents could not care for them. It does not mean that they did not try or did not want to.

So, what are the two things that could happen to you if you are in the process of being removed?

■ If you are removed, you are returned to your home country.

■ If you win SIJS and become a lawful permanent resident, you will be allowed to live and work permanently anywhere in the United States. You can also travel in and out of the U.S.

Once you are a permanent resident, you can work, you can ask the government to allow certain relatives to immigrate here, and you can have a path to becoming a U.S. citizen. Permanent resident means you have a green card.
Can You Apply for Special Immigrant Juvenile Status?

Not everyone can apply for Special Immigrant Juvenile Status. To able to apply, you must:

■ **Be younger than 21 years old** (Careful! In some states, you must file before you are 18. Read below.)

■ **Be living in the United States.**

■ **Not be married.** If you are divorced, widowed, or have children, you may still apply, but you cannot be or get married while you are in the process of applying.

■ **Be able to show that you deserve lawful permanent residence.** Many rules for lawful permanent residence are about having a criminal conviction. Certain criminal convictions can make it hard or impossible for you to win permanent residence; this could affect your chances of winning SIJS. But since juvenile delinquencies generally do not count as criminal convictions, you should understand what kind of convictions you have had.

■ **Have an order from a juvenile court that says 2 things:**

1. **You cannot live with one or both of your parents because they abused, abandoned, or neglected you.** A court order is simply a piece of paper that a judge signs, but in this instance it is VERY important that you have one. The order must say that someone else has custody of you and that it is not in your best interest to return to your country.

   How to get the court order is different in every state. You should do everything you can to find an attorney to guide you through the steps to get this court order. If you have questions, contact the Florence Project at www.firrp.org. Also NOTE that the state court is different from the immigration court.

   In some states you must have the court order before you reach age 18.
   Some state courts—like Arizona—do not have jurisdiction over children after they turn 18. That means the courts cannot make decisions for young people after that.
We know that it is hard to think about having felt abused, neglected, or abandoned. But the law uses these words, so you must, too. If you are going to apply for SIJS, you must be brave and think about all the ways your parents could not care for you.

Here is what abuse, neglect, and abandonment mean in these laws:

- **Abuse:** The abuse may come from your parents, but it can also come from someone else. For example, maybe your neighbor abused you, and your parents knew about it but could not protect you. This still means that your parents were unable to keep you safe.

- **Neglect:** Neglect describes all the different ways that parents can fail to take care of you and put you at risk of harm. For example, maybe your dad drank a lot and spent his money on alcohol instead of buying enough food for you and your brothers and sisters. Or maybe both parents tried hard to take care of you, but they had so little money that they could not do so. If you were in an unsafe situation because your parents did not have enough money, that is considered neglect, just as if you got sick and your parents were not able to give you the medical care that you needed.

- **Abandonment:** Abandonment simply means that one or both of your parents do not live with you and do not help raise you. For example, maybe your father moved away and you have not seen or heard from him in years. Or maybe your mom or dad passed away. Most states say that parents have abandoned their children if they have not had regular contact with, or provided support to, them for more than 1 year.

2. **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 which state you live in. For example, it would be in your best interest to stay here if you would not be able to get schooling in your home country, or you may have a medical issue and could not get the care that you need in your home country,
or you do not have family members who could raise you in your home country.

How Do You Apply for SIJS?

To apply for SIJS you must take 5 important steps:

1. **Go to immigration court hearings.** Tell the court that you are applying for SIJS as a minor who crossed into the U.S. without a parent. (In court, this is called being an *Unaccompanied Minor* or UC.)

2. **Find a good attorney.** Meet with your attorney regularly.

3. **Get your court order from a juvenile court.** Remember, the court order must say that you cannot return to your parents because they abused, abandoned, or neglected you.

4. **Send an SIJS petition to the government office called the U.S. Citizenship and Immigration Services (or USCIS).** Follow all the steps they give you.

5. **When your SIJS petition is approved, return to the immigration court.** Ask the judge to allow you to become a lawful permanent resident.

On the next few pages, we will tell you more about each step.
STEP 1: Go to Your First Immigration Court Hearing

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

You should get a letter in the mail that tells you the date of your first court hearing. But you should know that sometimes this letter can get lost.

So, to make sure you do not miss your letter, as soon as you are released from an Office of Refugee Resettlement (ORR) shelter, **call the court hotline number (1-800-898-7180) at least once a week**. That way you will make sure that your letter has not gotten lost and that you do not already have a court date.

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**To call the court, you should:**

- **Dial 1-800-898-7180.** This hotline is an automated system. You will not actually talk to a person. You will only listen to recordings.

- Next, **press 1 for English or 2 for Spanish.**

- **Put in your A number**—a number of identification that the government has given you. It is 9 digits long and should look something like this: A555-555-555.

- **Follow the directions** that the recording gives you.

- **The recording will tell you whether 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. But you might want to call
again to make sure you put your number in correctly.

Call the number every week to make sure you do not miss Court.

Who will be at this first court hearing?

When you go to your hearing, a few people will be in the courtroom.

- The first is the **Judge**: This person will decide your case. Judges hold hearings in the courtroom and wear black robes. They should look at the facts of your case and apply the law fairly. Judges do not work for ICE. The judge will be at the front of the room and will ask you questions. It is important to be respectful and polite when you are answering the judge.

- **A government attorney** will also be there to represent Immigration and Customs Enforcement (ICE). This lawyer sits at the table and also talks to the judge. This lawyer investigates all of the reasons you should **NOT** be allowed to stay in the country. For example, it is the job of the government attorney to find out if you were removed in the past and if you have been convicted of any crimes. This is why it is never a good idea to lie about your past.
■ Do not worry if you do not speak English or even Spanish. An interpreter will be there in person or over the phone. The interpreter translates everything the judge says into the language that you understand.

What will happen there?

When you go to court, wear the kind of 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.

If you have not been able to find an attorney, do not worry. The only person who MUST show up to immigration court is YOU. Remember, 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.

Your first hearing in immigration court will be very simple and fast. The judge will ask you some simple questions. You must answer honestly and politely.

Make sure to tell the judge that you are an Unaccompanied Minor (also known as a UC). Being an unaccompanied minor 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 U.S. As long as you crossed the border without a parent who could care for you, the law will consider you a UC, even if you now live with a parent.

At the end of your hearing, the judge will ask if you want more time to find an attorney. If you need help, the judge will give you a list of many attorneys who work near where you live. The judge might know of attorneys in your area who work with unaccompanied minors.

It is easier to find a free attorney if you are a minor. But since every state is different, if you are close to turning 18 years old, you should start looking for an attorney as soon as possible. You must know that there is no guarantee that you will get a free attorney, but some attorneys will work with UACs for free.

Finally, the judge will set the date and time of your second court hearing.
STEP 2: Find and Meet with an Attorney

By this point, the judge has given you the date and time of your next immigration court hearing.

Before your next court hearing, you must find an attorney.

You can call the attorneys on the list that the judge gave you. But first you should know that there are different kinds of attorneys. Some attorneys focus on immigration law. Others 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.

Be careful

Not all immigration attorneys are good attorneys.

Some people might mislead you. They may tell you that they are attorneys when they are NOT.

To protect yourself, 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 tell you if they know a good attorney.
What should you say when you call 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. An initial consultation is just a fancy name for the first time you meet with an attorney.

If you call an attorney and no one answers, just leave a voice message. Say:

■ 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 3 digits are the area code

■ That you came to the U.S. as an unaccompanied minor

■ That you would like an initial consultation

When the attorney or legal assistant calls you back, they will give you a date and time for your initial consultation. It is 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 if they will be able to help you apply for SIJS or any other visa.

If an attorney agrees to take your case, ask these questions:

■ Have you represented children like me in SIJS cases?
■ What happened in those cases?
■ How much will you charge me? Can you list all of these expenses in our contract?
■ Will you keep fighting my case even if we lose in the beginning?
■ What do you need from me to fight my case?
■ Because the process of getting a court order is different in each state, ask your attorney to explain what that process is in your state or to recommend another attorney who can help you.
STEP 3: Get Your Court Order from a Juvenile Court

Remember, your court order must say 2 important things:

■ You cannot live with one or both of your parents because they abused, abandoned, or neglected you.
■ It is not in your best interest to return to your home country.

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

In some cases, you must testify in court about your relationship with your parents and why you cannot return to your home country. If that is true in your case, 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 receive your court order, you are ready for the next step.

STEP 4: Send Form I-360 to the Government

To apply for SIJS, you will submit Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (sometimes called a I-360 petition). You will send the form to the U.S. Citizenship and Immigration Services (or USCIS). If you have an immigration attorney, the attorney will help you.

If you are already 18 years old, you can still file your I-360 petition. The law says that you can submit the form until you turn 21. But do not wait. It is better to submit it as soon as you can.

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

■ Fill out the I-360 form,
■ Include your birth certificate (and a translation of your birth certificate if it is not in English), and
■ Include your court order.
U.S. Citizenship and Immigration Services will decide your case

While USCIS is processing your SIJS petition, you must do 2 things at once:

- **Do everything that USCIS asks of you, AND**

- **Continue to go to all of your immigration court hearings and ask for more time while USCIS considers your case.** But do not worry. 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 from the USCIS office. Basically, you are simply asking for more time at each hearing because your application is being processed by another government agency.

Sometimes, USCIS will require you to go to its office for an interview. But more often, USCIS will simply mail you a decision within 6 months after receiving your application. Unfortunately, sometimes it takes a lot longer than 6 months.

- **If USCIS denies your application**, then you can appeal. That means you ask that your case be reconsidered.

- **If USCIS approves your petition**, you or your attorney must show your approval letter to the judge at your next hearing in immigration court. After you are approved, you can apply for *adjustment of status*. That means that you become a lawful permanent resident of the United States.
STEP 5: Once USCIS Approves Your Petition, File to Become a Lawful Permanent Resident

You still have a few more steps to take before you can become a lawful permanent resident. Being a *lawful permanent resident* means that you have permission to live and work permanently anywhere in the United States.

One important (and hard to understand) thing about applying for your residency is that you must wait until your *priority date* is current. The priority date is the date that USCIS received your I-360 form. Often a long waiting list of people have applied for and had their SIJS petitions approved. That means you may have to wait many months or sometimes years.

You can apply for *adjustment of status* only when your priority date is current. You also cannot apply for a work permit until you file for adjustment of status.

Once your priority date is current, you or your attorney must fill out a form called *I-485, Application to Register Permanent Residence or Adjust Status*. You will turn this form in to the immigration judge. Then the judge will make the final decision about whether you can become a permanent resident.
With your I-485 form, you must also correctly fill out and file these forms:

1. **A medical exam: Form I-693, Report of Medical Examination and Vaccine Records.** Many community doctors’ offices offer these medical exams to people applying for immigration visas. These doctors are called civil surgeons. For a list, go to [https://www.uscis.gov/tools/designated-civil-surgeons](https://www.uscis.gov/tools/designated-civil-surgeons). 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 may also have to get some vaccines that you have not yet gotten, and each vaccine has its own cost.

2. **An application for permission to work: Form I-765, Application for Employment Authorization**

3. **If you have done something illegal in the past or if you have been removed in the past, then you must fill out Form I-601, Application for Waiver of Grounds of Inadmissibility.** This form asks the government to let you become a lawful permanent resident even though you have done some things that are not allowed in the U.S.

4. **If you cannot pay the costs of submitting these forms, then you must fill out Form I-912, Request for Fee Waiver.**

5. And finally, **you must 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 must send them to the immigration court.

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.
How Should You Prepare for Your Hearing?

Once the immigration court has received your forms, you will go to your final court hearing. Then the judge will decide whether to 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 USCIS. The decision to do this depends on the details of your case.

During this court hearing the judge may ask questions that you already answered in your forms. Make sure that your forms were correct. Be prepared to repeat that information in court.

Preparing your testimony for the final hearing will help make your case even stronger. Here are a few examples of things you should be prepared to talk about in court:

■ How you traveled to the U.S. and crossed the border
■ If you have any illegal activity in your past, such as drug use or gang membership
■ If you broke 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

Keep these tips in mind when you practice your testimony:

Be prepared

■ Write your reasons on a piece of paper. 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.

Be honest

■ Your job is to tell the judge about your life. Answer the judge’s questions honestly and politely. If the judge asks you about criminal charges or if you came into the country before, tell the judge what happened. Do not lie. Lying
will just make things worse. The judge and the government attorney often have ways to figure out if you are lying.

**Speak from the heart**

- Judges see a lot of people every day. You can make your testimony stand out if you *speak sincerely*.
- **Do not worry if you become nervous or emotional in court.**

**Answer the questions respectfully**

- **The judge may want to ask you some specific questions.** Remember, be respectful when the judge speaks. Refer to the judge as, “Your Honor,” “Ma’am,” or “Sir.”
- 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.
- **If you do not 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. Do not answer a question that you do not understand.
- **Be respectful** when either the judge or the government attorney speaks.
- **Wear your best outfit. Leave your baseball cap and gum at home.**
What Happens if You Move While Your Application and Immigration Court Hearings Are Still Going On?

You will be getting important letters in the mail, like the letter that tells you when and where your next court hearing is. If the court and USCIS do not know where you live, you will not be able to receive these letters.

Make sure that the immigration court and USCIS know how to contact you. If you have moved within your city or a nearby, then you must:

- Tell USCIS that you have moved. File Form AR-11, Alien’s Change of Address Card. You may be able to fill it out online. Go to: https://www.uscis.gov/ar-11.

- Tell the immigration court and the government attorney that you have a new address. File Form EOIR-33, Change of Address. Go to: https://www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing. Send the original to the court, and send a copy to the office of Immigration and Customs Enforcement (ICE) in your district. To find the address to the ICE office in your district, go to: https://www.ice.gov/contact/legal.

- If you have moved to a new city and your city has a different immigration court, then you must fill out the two forms above, plus you must write to your previous court. This letter is called the Motion to Change Venue. 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, you must also mail a copy to the ICE office closest to you.

Once you have sent this letter, call the immigration court hotline at 1-800-898-7180 to see if the court accepted your request to change locations. If the court does not accept your request before your next hearing, you must return to the court where your case is scheduled. If you do not come to court on the date of your hearing, the judge could order you removed.
Final Thoughts

Special Immigrant Juvenile Status cases are complicated. It is 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 proof that you can to support your case.

We wish you the best of luck with your case.