

Special Immigrant Juvenile Status Predicate Order *Pro Bono* Program

Special Immigrant Juvenile Status (SIJS) was created by Congress to enable undocumented immigrant children who have suffered abuse, neglect, and/or abandonment to acquire lawful permanent residence in the United States when returning to their home country would not be in their best interests. The abuse, neglect or abandonment may have occurred inside or outside of the United States. The statute and regulations defining SIJS relief are found at 8 U.S.C. § 101(a)(27)(J) and 8 C.F.R. § 204.11(a),

SIJS requires that a state “juvenile court” make certain findings regarding abuse, neglect, and/or abandonment before a child is able to apply for this status before U.S. Citizenship and Immigration Services (USCIS). For SIJS, a “juvenile court” is broadly defined as any court located in the United States with jurisdiction to make judicial determinations about the custody and care of juveniles. Common types of cases in which SIJS findings could be obtained include divorce, child custody, paternity, child support, guardianship, juvenile delinquency, and order of protection proceedings, among others.

The court order containing these findings is typically called the SIJS Predicate Order. The SIJS Predicate Order must make a custody or guardianship determination for the child, and must contain three specific findings:

- 1) That their “**reunification with one [or both] parent[s] is not viable**”
- 2) “**...due to that parent’s abuse, neglect, abandonment, or a similar basis under state law**”
and
- 3) That “**it is not in the child’s best interest to return to their country of origin.**”

A minor may qualify for SIJS once they have an SIJS Predicate Order with the required language, as well as factual findings to support these determinations. Please note that obtaining an SIJS Predicate Order does not guarantee that a child’s petition for SIJS will be granted. Once a child has an SIJS Predicate Order, they should consult with an immigration attorney to help them submit their petition for immigration status.

NIJC has an SIJS Predicate Order *Pro Bono* Program, which provides training and extensive technical support to licensed attorneys willing to file cases in state juvenile courts. *Pro bono* attorneys also have the option to join a statewide network of practitioners working on these unique cases. SIJS predicate order cases may be completed in as little as three to six months, and are a great opportunity for volunteer attorneys interested in working with immigrant children and families.

For more information about the SIJS Predicate Order *Pro Bono* Program, please contact Hillary Richardson at 773-672-6601 or hrichardson@heartlandalliance.org.

With offices in Chicago, Indiana, and Washington, D.C., Heartland Alliance's National Immigrant Justice Center is a nongovernmental organization dedicated to ensuring human rights protections and access to justice for all immigrants, refugees, and asylum seekers through a unique combination of direct services, policy reform, impact litigation, and public education. Visit immigrantjustice.org and follow @NIJC.