

Updates to Special Immigrant Juvenile Status in Illinois: Public Act 101-0121

What is “Special Immigrant Juvenile Status” (SIJS)?

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. 8 U.S.C. § 101(a)(27)(J) and 8 C.F.R. § 204.11(a),

Please note that obtaining an SIJS Predicate Order does not guarantee that a child will be granted lawful immigration status. As always, families should consult with an immigration attorney to help them submit their petition for immigration status.

Changes in the Law:

On July 23, 2019, Public Act 101-0121 was signed into law. SIJS requires that a state court make certain findings regarding abuse, neglect, and/or abandonment before a child is able to submit their immigration petition. Public Act 101-0121 eases that process for children in Illinois by amending the Illinois statutes governing the custody of children: the Probate Act, the Juvenile Court Act, the Illinois Marriage and Dissolution of Marriage Act, the Parentage Act, the Illinois Domestic Violence Act, and the Adoption Act. Notably, children with one or two deceased parents now meet the definition of “abandoned” under Illinois law.

The law:

- **Provides guidance** to Illinois courts on their obligation to consider motions for SIJS findings;
- **Requires** that SIJS findings be entered if the evidence supports them;
- **Clarifies** which Illinois state definitions of abuse, abandonment, or neglect a court should use when considering motions for SIJS findings.

This bill brings Illinois law into line with the federal statutes on SIJS and will ensure consistency in responses to SIJS requests in courts across the state of Illinois.

How Can Attorneys Help?

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. 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.