

Special Immigrant Juvenile Status Extension in Illinois: Public Act 102-0259

Special Immigrant Juvenile Status (SIJS) is a form of immigration relief for children and youth under the age of 21 who have been abused, neglected, or abandoned by a parent, and for whom it would not be in their best interest to return to their home country.

Federal law requires that a child first petition an appropriate state court to make specific findings (called an “SIJS predicate order”). Illinois Public Act 101-0121, signed into law in 2019, brought Illinois law into compliance with federal standards, confirming that Illinois state courts have jurisdiction to issue an SIJS predicate order. However, vulnerable youth ages 18 to 21 were still left unprotected even though they qualify for SIJS under federal law, because the age of majority in Illinois is 18.

Public Act 102-0259, signed into law on August 6, 2021, protects vulnerable youth ages 18-21 by allowing them to access Illinois courts in a way that complies with federal immigration law.

This new law:

- Allows certain vulnerable youth ages 18-21 to be placed under the guardianship of an adult over 21 with their consent. This adult guardian may be a parent or a non-parent.
- Allows an existing minor guardianship to be extended to the age of 21 with the consent of the youth, allowing them to request SIJS findings.
- Allows youth subject to such a guardianship to be referred for medical or psychological services deemed necessary as a result of parental abuse, neglect, or abandonment.
- Ensures consistency between state and federal law in protecting abused, abandoned and neglected children and youth under 21.

This law sends a clear signal to immigrant minors that if they are abused, neglected, or abandoned by one or both parents, the State of Illinois is fully prepared to assist and protect them to the full extent permitted under federal law.

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