

Special Immigrant Juvenile Status (SIJS)

Special Immigrant Juvenile Status (SIJS) is a way for children who are abused or abandoned and who cannot be reunited with one or both parents to stay in the United States.

SIJS helps only children. To qualify as a child under U.S. immigration law, you must be unmarried and under the age of 21. Therefore, you must remain unmarried throughout your SIJS case; from the day you apply until the day you become a lawful permanent resident. However, you do not have to be under 21 for the whole time it takes to decide your case. But you must be under 21 on the day you apply.

Step 1: Court Protection

Court Order from a Judge

SIJS is not something you can apply for directly to Immigration. Before you can petition for SIJS, you need a state court judge to sign a court order that is a result of a separate proceeding, or case. The court order must say that:

- The child cannot be reunited with one or both parents;
- The child's reunification with one or both parents cannot take place because of one or both parents' abuse, neglect, or abandonment of the child; and
- It is in the child's best interest not to be returned to their home country.

Because SIJS helps many people get green cards, Immigration often reviews these cases with suspicion. They only want children who actually need the court's protection to ask for SIJS. Therefore, the wording of the court order is really important. Make sure the state court judge explains why they think the child meets the criteria listed above. You can also ask the judge to include the reasoning in the order that they sign.

Sometimes Immigration will ask for a transcript of the hearing to see what facts influenced the judge to write the court order. Court transcripts can be expensive, but if you worked with a county social worker, they might be able to help you get a copy.

LONG-TERM COURT ORDER

The order that the court signs must be in effect throughout your SIJS process. The only exceptions are: (1) if you “age out” which means that you are too old for the judge to make these kinds of decisions about you; or (2) if you are adopted.

Getting in Front of a Judge

Figuring out how to get in front of a judge is the first hurdle. You can’t just walk into a courtroom. However, if you are in court for a separate case, then you can present evidence to a judge for SIJS. In Wisconsin, the most common cases related to SIJS include:

- **CHIPS Cases**

The [Wisconsin Circuit Court System](#) defines CHIPS cases this way:

When children come to court because a parent has hurt them or not taken care of them, this is a CHIPS case. This stands for “Child in Need of Protection and/or Services”. Until a child grows up, he or she is dependent on adults and needs their protection. If parents can’t or won’t take care of their child properly, the juvenile court may step in and the child may become in need of protection and/or services from the court in order to keep him/her safe. When this happens, the child may have to live with relatives or another family for a while. This temporary family is called a foster care family.

- **Sole Custody Determinations**

A sole custody determination states that only one of two parents has the legal right to make decisions for a child. One reason that you might do this is to get a child a passport. Usually you need both parents’ permission to get a passport, but with sole custody, only one parent needs to be involved.

- **Guardianships**

When neither parent can take responsibility for their child, a court can authorize another person to make legal decisions for the child. This is called guardianship.

- **Divorce Proceedings**

Step 2: Filing Your SIJS Petition

Materials Needed

When the child files the petition for SIJS, they include the order from the judge. Also, they must include evidence which proves their:

- age;
- name; and
- nationality.

You can usually establish all of these identifiers with a copy of a birth certificate or a passport. Please note, **there is no fee for an SIJS petition.**

Civil Documents by Country

The U.S. Department of State provides a list of acceptable documents [on their website](#) for each country that has a relationship with the United States. For example, if you are looking for what documents you need to prove a marriage, start by selecting your country and then scroll until you see the marriage certificate section. There you will find the documentation you need to give U.S. Immigration that is specific to your country. This resource can also be helpful if you need to find out how to get a copy of a divorce, birth, adoption, or death certificate from your home country.

Application Tips

- Make sure that you keep a copy of everything that you mail to Immigration.
- Write a cover letter explaining the details of your case, and include it with your application.
- Do NOT send original documents such as birth certificates or passports; send only copies.

Certified Translation

Anything in your application that is not in English needs a certified translation. A certified translation is a word for word translation with the following statement signed at the bottom:

I, [translator's name] certify that I am competent in both the English and [original language in document] languages, and that this is a true and accurate translation.

Translations do not need to be notarized for Immigration.

Who Can Help?

A child can self-petition for SIJS, but other people may also help. It is not uncommon for a concerned teacher, social-worker, or community member to recognize that a child doesn't have an immigration status. However, these people cannot petition for SIJS on the child's behalf. You need an experienced immigration attorney to help you petition for SIJS.

Step 3: File for Your Green Card

The Priority System

Fortunately, Immigration does not currently limit the number of SIJS cases they approve each year. However, they do limit how many people can get lawful permanent residency, or green cards, based on an approved SIJS petition. When Immigration receives your petition, they will put it in line behind other applications in the same category. This is known as the priority system.

After you mail in your green card application, you will get a receipt in the mail. The date Immigration receives your application will become your priority date. Before you can move on to the next step in the green card process, you must wait until your priority date is current. However, checking priority dates is confusing. Please rely on the help of an experienced immigration attorney to determine when your priority date is current.

Fees and Expenses

There is a fee for the green card, but you can apply for a fee waiver. Also, as a part of your green card application, you will need to get a medical exam from a designated civil surgeon. This medical examination cannot be done through your personal doctor or health insurance. Learn more in our [Immigration Medical Examination](#) article.

U.S. Citizenship and Immigration Services (USCIS) has [a list on their website](#) where you can find a civil surgeon in your area. However, you may want to talk to your immigration attorney before you schedule and pay for a medical examination. There are time limitations on the exams, and a good lawyer can help you coordinate it with your green card application.

Joint Application

If there is no backlog for your country in the priority system, you can file your SIJS petition together with your application for a green card. This would also allow you to file for a work permit at the same time. Having a work permit means that you can get a social security card and, in many states, a driver's license.

Other Considerations

Take careful note of these rules:

- If a child who received a green card through SIJS later becomes a citizen, they cannot petition for a parent to obtain lawful permanent residence.
- SIJS applicants cannot include derivatives (other family members) on their petitions. In other words, siblings cannot include each other in their applications. Also, an abused child cannot include the other, non-abusive parent on their petition.
- You must be inside of the United States to apply for SIJS.
- Immigration is supposed to process SIJS in 180 days. They rarely do.
- SIJS applicants are allowed to adjust status inside of the United States even if they entered unlawfully.
- People receiving green cards through SIJS do not need an affidavit of support.
- If you marry at any time, Immigration will revoke or cancel your petition. If you have SIJS, you must wait until you have your green card before you can get married.
- If the state court reunites the child with the parent who they previously ruled could not reunite with the child, Immigration will revoke an approved SIJS petition.
- Immigration can schedule an interview as a part of your SIJS application process. They do not always schedule interviews, but they can.

Frequently Asked Questions

Last updated on July 02, 2025.

How much does it cost to petition for SIJS?

There is no fee to petition for SIJS. However, when you apply for your green card there are separate fees involved.

Is SIJS the same as a green card?

No. SIJS is a path to lawful permanent residency, or a green card. But it is only the first step. Once you have SIJS, an immigration attorney can help you through the second stage of the green card application, which is adjustment of status. Your lawyer should be mindful of your priority date and know when it is time for you to apply for lawful permanent residency.

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