

Special Immigrant Juvenile Status: An Overview Emphasizing Recent Developments

Immigrant Legal Resource Center Materials

ILRC, “California Appellate Law on SIJS”: <https://www.ilrc.org/california-appellate-law-special-immigrant-juvenile-status>

ILRC, “An Overview of Special Immigrant Juvenile Status”: <https://www.ilrc.org/overview-special-immigrant-juvenile-status-updated-march-2015>

ILRC, “Update on Special Immigrant Juvenile Status: What is Visa Availability?”: <https://www.ilrc.org/update-special-immigrant-juvenile-status-what-visa-availability>

California Judicial Conference Materials

JV-356: <http://www.courts.ca.gov/documents/jv356.pdf> (Request for Special Immigrant Juvenile Findings – to be used in juvenile dependency or delinquency proceedings)

FL-356: <http://www.courts.ca.gov/documents/fl356.pdf> (Confidential Request for Special Immigrant Juvenile Findings – to be used in family court proceedings)

GC-220: <http://www.courts.ca.gov/documents/gc220.pdf> (Petition for Special Immigrant Juvenile Findings – to be used in probate court/guardianship proceedings)

FL-357/GC-224/JV-357: <http://www.courts.ca.gov/documents/fl357.pdf> (Special Immigrant Juvenile Findings – once signed by the court, to be submitted to USCIS to establish eligibility for SIJS)

Judicial Council Memorandum, SB 873 (Sept. 30, 2014): <http://www.courts.ca.gov/documents/jc-20141028-item1.pdf>

California Courts Website Self-Help Resources for Special Immigrant Juvenile Status: <http://www.courts.ca.gov/selfhelp-sijs.htm>

U.S. Citizenship & Immigration Services Materials

USCIS “Immigration Relief for Abused Children: Special Immigrant Juvenile Status: Information for Juvenile Court Judges and Child Welfare Professionals”:
https://www.uscis.gov/sites/default/files/USCIS/Green%20Card/Green%20Card%20Through%20a%20Job/PED.SIJ.1015_Brochure_M-1114B_Revised_05.19.16.pdf

USCIS Policy Manual: <https://www.uscis.gov/policymanual/HTML/PolicyManual.html>

- Volume 6 (Immigrants), Part J (Special Immigrant Juveniles)
- Volume 7 (Adjustment of Status), Part F (Special Immigrant-Based (EB-4) Adjustment), Chapter 7 (Special Immigrant Juveniles)

Federal Statutes & Regulations

Federal Statutes

8 U.S.C. § 1101(a)(27)(J) (defining Special Immigrant Juvenile)

8 U.S.C. §§ 1151(d), 1152(a)(2), 1153(b)(4) (establishing “visa cap” for Special Immigrant Juveniles)

8 U.S.C. § 1255(a), (h)(2) (governing adjustment of status for Special Immigrant Juveniles)

8 U.S.C. § 1227(c) (identifying grounds of deportability inapplicable to Special Immigrant Juveniles)

Federal Regulations

8 C.F.R. § 103.7(c) (governing fees and fee waivers for immigration petitions and applications)

8 C.F.R. § 204.1(f), (g)(2) (governing substitute documents to prove birth in family immigration cases)

8 C.F.R. § 204.11 (governing requirements and process for Special Immigrant Juvenile classification) (note that these regulations are not amended to reflect post-1993 SIJS statutory changes)

8 C.F.R. § 205.1(a)(3)(iv) (governing revocations of Special Immigrant Juvenile classification)

California Statutes

Cal. Code Civ. Proc. § 155 (clarifying the jurisdiction of superior court to make judicial determinations regarding custody and care of children for SIJS and setting out requirements for evidence and findings)

Cal. Evid. Code § 757 (authorizing court provided interpreters for cases in which SIJS findings are requested)

Cal. Prob. Code § 1510.1 (allowing for the appointment of a guardian of the person for youth 18 to 21 years old in connection with a petition for SIJS findings and for extension of existing guardianships past age 18 to allow for SIJS)

Cal. Welf. & Inst. Code § 831 (clarifying, to protect confidentiality, that “juvenile information” cannot be released to federal officials without successful completion of the petitioning process found at Cal. Welf. & Inst. Code § 827)

Cal. Welf. & Inst. Code § 10609.97 (requiring DPSS on an annual basis to “provide guidance on best practices and facilitate an exchange of information and best practices among counties . . . on assisting a child in a juvenile court case who is eligible for special immigrant juvenile status)

Cal. Welf. & Inst. Code §§ 13300, 13301 (requiring DPSS, subject to funding, to contract for legal services for immigrant children released by the federal Office of Refugee Resettlement into California)

Cal. Welf. & Inst. Code § 16501.1 (requiring that children (16 or older and nonminor dependents) be given a case plan that includes information on whether an SIJS application is pending and if an active dependency case is required for that application)