



U.S. Citizenship and Immigration Services

USCIS Clarifies Special Immigrant Juvenile Classification to Better Ensure Victims of Abuse, Neglect and Abandonment Receive Protection

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WASHINGTON—U.S. Citizenship and Immigration Services today clarified requirements regarding the Special Immigrant Juvenile (SIJ) classification.

To ensure consistency surrounding this classification, USCIS is issuing three Administrative Appeals Office (AAO) adopted decisions. Through these adopted decisions, USCIS clarifies that it requires evidence of a court's intervention to provide relief from abuse, neglect or abandonment beyond a statement that the juvenile is dependent on the court. This level of intervention from the court serves as an indicator as to whether the SIJ classification is sought for its intended purpose of relief from parental abuse, neglect or abandonment and not primarily to obtain an immigration benefit. Many juvenile court orders already contain this level of detail.

USCIS also clarifies that it will consider qualifying orders from state courts, provided the petitioner met the applicable definition of a juvenile under state law when the order was issued and the court determined the juvenile was subject to parental abuse, neglect, abandonment or similar maltreatment. These clarifications will provide guidance to adjudicators in evaluating juvenile court orders issued under different state laws in the adjudication of petitions for federal SIJ classification.

Additionally, USCIS is no longer requiring evidence that a state court had the authority to place a petitioner in the custody of an unfit parent in order to make a qualifying determination regarding parental reunification for purposes of SIJ classification.

"Through these clarifications, USCIS adjudicators will help ensure those who are victims and truly need protection from abuse, neglect, abandonment or a similar basis under state law receive the assistance they need," said USCIS Acting Director Ken Cuccinelli. "These new clarifications will better protect deserving juvenile immigrants while also promoting program integrity and upholding our laws. Congress needs to address loopholes in the SIJ program to better protect children."

USCIS will also reopen the comment period for the proposed rule, [Special Immigrant Juvenile Petitions](#), for 30 days to gather more information so it can clarify SIJ requirements by rulemaking. USCIS will accept comments through Nov. 15, 2019. In recent years, the SIJ classification has increasingly been sought by juvenile and young adult immigrants solely for the purposes of obtaining lawful immigration status and not due to abuse, neglect or abandonment by their parents. Through this rulemaking, USCIS seeks to realign the SIJ classification with congressional intent, implement statutorily mandated changes and address shortcomings in the regulations that threaten the integrity of the SIJ program.

USCIS acknowledges the potential for reliance interests; however, these three adopted AAO decisions do not create legally binding rights or change substantive requirements. They will go into effect on Oct. 15, 2019 and will apply to pending and future petitions. Related materials are available to the public: [the three adopted AAO decisions](#), and the Special Immigrant Juvenile Petitions proposed rule, [76 FR 54978 \(PDF\)](#).

The SIJ classification was established by Congress in 1990 to provide a pathway to legal status for children in the U.S. foster care system who required court intervention to protect them from parental

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abuse, abandonment or neglect. While there is no limit on the number of SIJ petitions that USCIS is able to approve each year, there is a limit to the number of SIJ-based adjustments that USCIS may approve due to visa availability. For the past several years, USCIS has granted approximately 5,000 SIJ adjustments each year.

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