



Special Immigrant Juvenile Status (SIJS) “At-Risk Juveniles”

What is Special Immigrant Juvenile Status (SIJS)?

If you:

- Are an immigrant youth
- Don't have permanent legal status in the US and
- Live with only one parent or do not live with either parent or are being abused or have been abused in the past by one or both of your parents

You may be able to get “Special Immigrant Juvenile Status” or SIJS. Getting SIJS lets you be in the country legally.

U.S. Citizenship and Immigration Services (USCIS) has a lot of SIJS resources. Go to: <https://www.uscis.gov/>.

- Read about [SIJS eligibility and how it works](#).
- Read [frequently asked questions](#) about SIJS.



Who can get SIJS?

You need to be:

- under 21 years old
- unmarried
- physically present in the United States and
- currently involved in a state court case about your custody or care OR you want to start a case to ask that a trusted adult in your life have custody or guardianship over you.

An order from the state court is the critical evidence you need to apply for SIJS. Make sure you talk to a lawyer before filing any request for a state court order with any court. This is to make sure that your order gets filed with the right state court AND has all the necessary language.

NOTE: you MUST have the state court order signed by a judge AND have USCIS receive your SIJS application BEFORE you turn 21. If USCIS gets your SIJS application after you turn 21, you will not qualify for SIJS.

Before you can apply for SIJS with USCIS, the state court has to make specific findings about you in a court order. Those findings are:

- You were abused, neglected, or abandoned by one or both of your parents

- Because of the abuse, neglect or abandonment going back to live with or reconnecting with one or both parents is not possible AND
- It is not in your best interests to be sent back to your country or the last place you lived.

In Minnesota, there are different types of state court proceedings where this could happen. They include juvenile protection cases (like child protection cases), family court custody cases, juvenile delinquency cases, and **“at-risk juvenile” guardianship cases**. This fact sheet talks about the process for seeking SIJS through a Minnesota “at-risk juvenile” guardianship.

When you apply for SIJS with USCIS, you also need legal proof of when and where you were born. You need to file this with your application. If you want to apply for SIJS and don’t have a birth certificate, it is a good idea to get one as soon as you can. If you can’t get a birth certificate, there are certain other types of proof of your age that you can give USCIS. Go to <https://www.uscis.gov/working-in-US/eb4/SIJ>. Click on “How to Petition for SIJ Classification (Form I-360)” to learn more about what other proofs of age they take.

Who can get an “at-risk juvenile” guardianship?

A Minnesota “at-risk juvenile” guardianship is for people who are:

- between 18 and 21 years old
- unmarried and
- potentially eligible for SIJS



If you are potentially eligible for SIJS but under 18 years old, you **can’t** get this kind of guardianship. There are other ways you can seek SIJS. Talk to an immigration lawyer.

Make sure you find an immigration lawyer who is currently licensed to practice law and familiar with SIJS. It is okay to ask an immigration lawyer to show you their law license and to explain how much they know about SIJS before you hire them. To find an immigration lawyer go to <https://www.lawhelpmn.org/providers-and-clinics>. If none of the organizations you find can help you, they can give you a list of private lawyers who may be able to help you.

How do I get SIJS through an at-risk juvenile guardianship?

There are a number of steps you must take.

1. Meet with an immigration lawyer to decide if SIJS is a good option for you.

Before applying, you need to go to the state juvenile court. Your immigration lawyer might be able to help you with the state court order. Or they might have ideas about who can help you get your state court order. If you don’t have money to hire a lawyer you might be able to get help from local nonprofit organizations. See section below, “Who can help me through the process?”

If you want to try to start this process yourself, there are [forms and information](#) on the court's website. This process is complicated! You have to make sure you do certain things like:

- Notice to your parents about the court case you are filing
- Filling out and filing the court forms in the right way
- Paying the court fee or applying for a fee waiver, and
- Making sure you go to your court hearings

It is best to work with a lawyer if you can.

2. Find someone willing to be a guardian. The court has to approve your choice. For this reason, it's important to put information in your petition to the Court about the guardian you're asking for. Put why they are a person you trust and why you think they would be willing to help you. The guardian should give you:

- guidance and help
- financial and emotional support
- referrals to resources to help meet your needs
- referrals and resources to protect you from sex or labor trafficking or domestic or sexual violence, if you are at risk of any of these problems.

What does the court do?

At your hearing the court looks at the requirements listed above in "Who can get SIJS?"

The state juvenile court order must:

- Appoint a guardian for you
- Find that you have been abused, neglected, or abandoned as defined under Minnesota state law and that you can't go back with your parents.
- Find that it's not in your best interest to be sent back to your country



The statements in the Order should have specific details. This is important to make sure the Order is legal. The Order needs to:

- meet the requirements of the law so that the appointment of your guardian is valid, and
- have all the information needed in the "findings" section. This lets USCIS know that you are a Special Immigrant Juvenile.

It is a good idea to have an immigration lawyer look over both your petition and proposed order before they are finalized.

How do I file my SIJS application with USCIS once I get the state court order?

This section applies both to 18-21 year olds who get their state court orders through the at-risk juvenile process and to youth who get state court orders through a different process.

Once you have the state juvenile court order, you can apply for SIJS with USCIS. You do this by filing [Form I-360](#) at the [location listed for your state](#). You need to include:

- a copy of the juvenile court order appointing a guardian and making the SIJS findings
- proof that you are under 21 years old at the time you file, like a copy of your birth certificate.
 - If your birth certificate or other proof of age is not in English you have to include a translation, along with a [certification of translation](#).

If you are filing this application on your own, read all of the filing instructions on [USCIS' website](#) very carefully! It is important that you include all the necessary proofs that USCIS needs to see along with your I-360 application.

There are very specific requirements to this process. You should meet with an immigration lawyer if you haven't already!



Once you file Form I-360 with all the necessary proof talked about above, it is reviewed by USCIS. They review everything to make sure you meet all the requirements you need to be eligible for SIJS.

While my SIJS application is pending, how can I make sure I stay eligible?

It is very important that you don't get married while you are waiting for a decision on your SIJS application from USCIS. It is okay to be in a relationship or even have a baby, but if you get married you are no longer a child under immigration law. You won't qualify for SIJS anymore.



If you move while your SIJS application is pending, you need to update your address with USCIS by filing Form AR-11. To learn more about changing your address with USCIS, see our fact sheet [Reporting a Change of Address to USCIS](#).

There are some other important things to do to make sure that you stay eligible for SIJS while you are waiting for a decision. Talk to the lawyer who helped you get your state court order and your immigration lawyer to make sure that you know what to do.

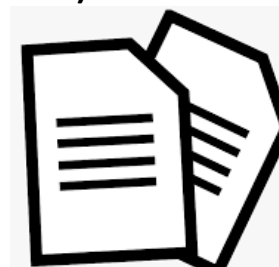
What happens if I get SIJS?

Once USCIS approves your SIJS, you may get access to certain benefits. Talk to an immigration lawyer to see what you can get.

- Many Special Immigrant Juveniles can apply for a green card in a few years after they get SIJS. After having a green card for a certain number of years you can apply to become a citizen. Talk to an immigration lawyer about these next steps.
- Some Special Immigrant Juveniles are also granted Deferred Action. With Deferred Action you can:
 - Get some protection from deportation
 - Apply for a work permit
 - Apply for a social security number, and
 - Get access to some federal healthcare programs and federal financial aid

If I get SIJS can I apply for a green card (permanent resident card)?

If you get SIJS, you can usually apply for a permanent resident card (or “green card”) later. But certain things in your immigration or criminal record could make you ineligible to apply for permanent residence even if your SIJS application is approved. If your goal is to get a green card, talk to an immigration lawyer. BEFORE you apply for SIJS you want to make sure that you will be able to apply for a green card once your SIJS application is approved.



You have to wait for a visa to be available to be able to apply for a green card. This can take several years. If you have an immigration lawyer who is willing to help you figure out when a visa is available, it is very important that you check in with them every 6 months or every year to check on it. Also, let them know if your address or telephone number changes so that they can reach you. For more information on how to check if your visa is available so you can apply for a green card, visit the SIJS Backlog Project’s at: <https://www.sijsbacklog.com/youthresources>.

If you get permanent residence through SIJS, you can’t apply for legal status for either of your parents. This is true even if only one of your parents abused, abandoned, and/or neglected you. Talk to an immigration lawyer about what options you have for becoming a permanent resident and/or seeking protection from deportation. Then decide which option is best for you and your goals.

Can I lose my SIJS once I have it?

USCIS can only take away your SIJS in certain situations. One example is if a court decides your state court order is no longer valid. Talk to an immigration lawyer right away if you get a notice from USCIS saying they want to rescind (take away) your SIJS grant.

Who can help me with the process?

There are organizations that can help you understand the process or even help you go through the process.

Mid Minnesota Legal Aid

<http://mylegalaid.org/>

[1 \(877\) 696-6529](tel:18776966529)

The Advocates For Human Rights

<https://www.theadvocatesforhumanrights.org/Home>

[\(612\) 341-9845](tel:6123419845)

Immigrant Law Center of Minnesota (ILCM)

<https://www.ilcm.org/>

[\(651\) 641-1011](tel:6516411011)

Volunteer Lawyers Network (VLN) – they help with state court part only

<https://www.vlnmn.org/>

[\(612\) 752-6677](tel:6127526677)

What if I don't get SIJS?

If the court doesn't approve your SIJS application you may have other options. Talk to an immigration lawyer about:

- Family Based Immigration
- U Visa
- T Visa
- DACA
- Violence against women act relief
- Asylum
- Refugee/asylee adjustment of status
- Derivate citizenship
- and more



See our fact sheet [Information for Immigrant Youth](#).

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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