

## Special Immigrant Juvenile Status: Immigration Practice

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### Form I-360: Petition for Special Immigrant Juvenile Status

- The statutory authority for SIJS is found at INA § 101(a)(27)(J).
- See also: William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008
- The form itself and instructions for completing the form are available on USCIS's website at: <https://www.uscis.gov/i-360>.

### Form I-485: Application for Lawful Permanent Residency

- The form itself and instructions for completing the form are available on USCIS's website at: <https://www.uscis.gov/i-485>.
  - Remember: whether you file this application with the Immigration Court or with USCIS depends on whether the applicant is in removal proceedings and whether the priority date for the I-360 is current.
- Once SIJS approved, USCIS will grant deferred action, making the juvenile eligible for employment authorization. Also, anyone with a pending permanent residency application is eligible for employment authorization. Even if the juvenile does not wish to work, the employment authorization document can also serve as a government photo identification and allows the juvenile to be assigned a social security number.
  - The application for employment authorization is Form I-765 and is available, along with instructions for completing the form, on USCIS's website at: <https://www.uscis.gov/i-765>.
- It is important to determine, prior to filing an application for permanent residency, whether the individual is subject to any grounds of inadmissibility. If so, they may be ineligible for permanent residency. Individuals applying for residency based on SIJS are not subject to the same grounds of inadmissibility as others. For more information, please refer to: [https://www.ilrc.org/sites/default/files/resources/sijs\\_and\\_grounds\\_of\\_inadmissibility\\_8.27.20.pdf](https://www.ilrc.org/sites/default/files/resources/sijs_and_grounds_of_inadmissibility_8.27.20.pdf).

### Immigration Court // Additional Reading

- To determine when or if an individual is scheduled for immigration court, you can search by the individual's Alien Number ("A number")
  - By phone: 1-800-898-7180
  - Online: <https://portal.eoir.justice.gov/InfoSystem/Form?Language=EN>
- Where the priority date is current, USCIS can adjudicate the application for Adjustment of Status to that of a permanent resident. If applicant is in immigration proceedings, it is necessary to file either a Joint Motion to Dismiss Proceedings with DHS or a Motion to Terminate based on SIJS approval.
- Other procedural motions:
  - Motions to Administratively Close: *Matter of Castro-Tum*, 27 I&N Dec. 271 (A.G. 2018), *Zuniga-Romero v. Barr*, 937 F.3d 282 (4th Cir. 2019); *Meza Morales v. Barr*, 973 F.3d 656, 664 (7th Cir. 2020), *Hernandez-Serrano v. Barr*, 981 F.3d 459 (6th Cir. 2020), *Arcos Sanchez v. Att'y Gen.* (3rd Cir. 2021).
  - Motions to Continue: *Matter of L-A-B-R-*, 27 I&N Dec. 405 (A.G. 2018);