

FORMS & FEES: **For Special Immigrant Juvenile Status (SIJS) Applicants**

A. Forms

Immigration attorneys will typically file three applications for SIJS applicants.

1. ***I-360 Petition for Special Immigrant:*** This grants the child approval for a visa and must be filed before the child reaches 21 years old. Prior to submitting the I-360, a child in DCS-funded¹ foster care must have received a court order finding that:
 - a. The child is dependent on a juvenile court or the court has legally committed the child to, or placed the child under the custody of an agency, or an individual or entity appointed by a State or juvenile court; and;
 - b. Reunification with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis under State law; and
 - c. It is not in the child's best interests to return to the country of nationality or last habitual residence.

2. ***I-485 Application for Adjustment of Status (Green Card):*** If the I-360 is granted, the child is immediately eligible to “adjust status” to that of a Lawful Permanent Resident (also called LPR, permanent resident, or green card holder). That process requires the submission of the I-485.

Children who are not in removal proceedings would file the I-360 and the I-485 simultaneously. However, children who are in removal proceedings (going to hearings in immigration court)—which will include most children—must file the I-360 first. Once it is approved by U.S. Citizenship and Immigration Services (USCIS), the child can file the I-485 with the immigration court. While children are still in removal proceedings, only the immigration judge has jurisdiction over adjudication of the I-485 (also called adjustment of status). For children not in removal proceedings, or for whom removal proceedings have been terminated, USCIS has jurisdiction over adjudication of the I-485.

In addition to whether a child is, or is not, in removal proceedings, an immigration attorney may also consider local factors in the adjudication of SIJS cases, such as which system (USCIS or the immigration court) is more child friendly, which system can adjudicate the I-485 more quickly, or how each system might deal with any complicating factors (such as past arrests or delinquency issues).

3. ***I-765 Application for Employment Authorization Document (EAD, or Work Permit):*** Work authorization is typically a minor concern for the child's immigration attorney, and often a major concern for the child. On a practical level, the work permit also serves as an important form of identification for youth who have little official identification. A work permit can provide youth with hope, so that they are more willing to wait out the lengthy legal process for SIJS and a green card.

¹ “DCS” refers to the Office of Refugee Resettlement's (ORR) Division of Children's Services.

A work permit application can be submitted along with the permanent residency application (I-485), or with an asylum application (I-589). A child who is still in removal proceedings and must submit the I-360 and the I-485 applications separately will not be able to submit a work permit application until the I-360 is approved and the I-485 is submitted. Once the I-485 is granted, the work permit is no longer necessary or valid.²

B. Fees, Expenses and Waivers

Note: USCIS fees change regularly. The fees listed below went into effect November 2010. For current fees, check www.uscis.gov (search “Fee Schedule” or look under “Immigration Forms”).

1. Fees

✓ I-360:	- Fee eliminated as of 7/30/07	No fee
✓ I-485 (<i>Adjustment of Status</i>):		\$ 985
✓ - Biometrics (<i>USCIS fingerprints</i>):		
	- Fee included in I-485 package fee, otherwise	\$ 85
✓ I-765 (<i>Work Authorization</i>):		
	- Fee for child over 14	\$ 380

2. Expenses

- ✓ Original certified copy of juvenile court order
- ✓ Two copies of birth certificate
- ✓ Two certified English translations of birth certificate
- ✓ Four passport-style photos
- ✓ Certificates of disposition (if the child was ever arrested)
- ✓ Transportation to and from attorney’s offices, court dates, USCIS appointments

- 3. Fee Waivers:** There is no longer a filing fee for the I-360. There is a fee for the I-485, as indicated above, but it can be waived. For more information about fee waivers, see <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=6fbad59ae8a8e010VgnVCM1000000ecd190aRCRD&vgnnextchannel=fe529c7755cb9010VgnVCM10000045f3d6a1RCRD>

² For more on work permits, see Resource #7, “Work Permit ‘Q & A’: For Children in DCS Foster Care.”