NATIONAL IMMIGRANT JUSTICE CENTER
A HEARTLAND ALLIANCE PROGRAM

Illinois Laws Relating to Special Immigrant Juvenile Status (SIJS)

SIJS allows immigrant children who have suffered abuse, neglect, and/or abandonment to acquire lawful permanent residence in the United States if returning to their home country would not be in their best interests. 8 U.S.C. § 101(a)(27)(J). SIJS requires that a state **"juvenile court"** make certain findings regarding **abuse, neglect, and/or abandonment** before a child is able to apply for this status before U.S. Citizenship and Immigration Services (USCIS).

Juvenile Court Jurisdiction in Illinois Law

An SIJS order may be entered by any court that qualifies as a "juvenile court," broadly defined as any court "having jurisdiction under State law to make judicial determinations about the custody and care of juveniles." 8 C.F.R. 204.11(a). **Illinois Public Act 101-0121** clarified which types of courts in Illinois meet this definition; clearly defined the terms required for SIJS orders; and made SIJS findings mandatory if supported by the evidence. In Illinois, qualifying "juvenile courts" that may enter SIJS findings include custody, divorce, guardianship, child welfare, domestic violence, juvenile delinquency and adoption courts.

Definitions of Abuse, Abandonment, and Neglect in Illinois Law

A juvenile court order for SIJS must find that reunification with a parent is not viable due to abuse, abandonment, or neglect[1], as those terms are defined under Illinois law. The SIJS order must provide the specific citation to the applicable Illinois definition. The definitions of these terms, along with the other SIJS-specific provisions can be found at:

- 750 ILCS 5/603.11 (Illinois Marriage and Dissolution of Marriage Act; governs divorce and custody cases)
- 750 ILCS 46/613.5 (Illinois Parentage Act; governs parentage cases)
- 755 ILCS 5/11-5.5 (Illinois Probate Act; governs minor guardianship cases)
- 705 ILCS 405/2-4a (Juvenile Court Act; governs child welfare and delinquency cases)
- 750 ILCS 50/17.01 (Adoption Act; governs adoption cases)
- 750 ILCS 60/214.5 (Illinois Domestic Violence Act; governs order of protection cases)

The definitions of abuse, abandonment, and neglect cited in each act are almost identical; attorneys will need to cite the appropriate statute and provide a brief explanation of why the facts of their case meet that definition.

[1] Or a "similar basis under state law," pursuant to 8 U.S.C. § 101(a)(27)(J). if you believe you have a "similar basis" case, please reach out to NIJC.