



Victims are not required to be in legal immigration status, but they must:

- Be a victim of a severe form of trafficking in persons,
- Be physically present in the United States on account of the trafficking,
- Comply with any reasonable requests for assistance in the investigation or prosecution (or be under the age of 18), and
- Suffer extreme hardship involving unusual and severe harm if removed from the United States.

To apply for a T nonimmigrant status, applicants must file Form I-914, Application for T Nonimmigrant Status. Qualifying family members may also be eligible to apply for benefits.

Many immigrants are fearful of admitting that they have been a victim of a crime in part because they believe they will be removed (deported) from the United States if they report the crime. Officials such as police officers, healthcare providers, judges, and prosecutors are often the first to see the signs of violence and are therefore in a unique position to provide information and assistance to those who have been victims. This brochure is designed to

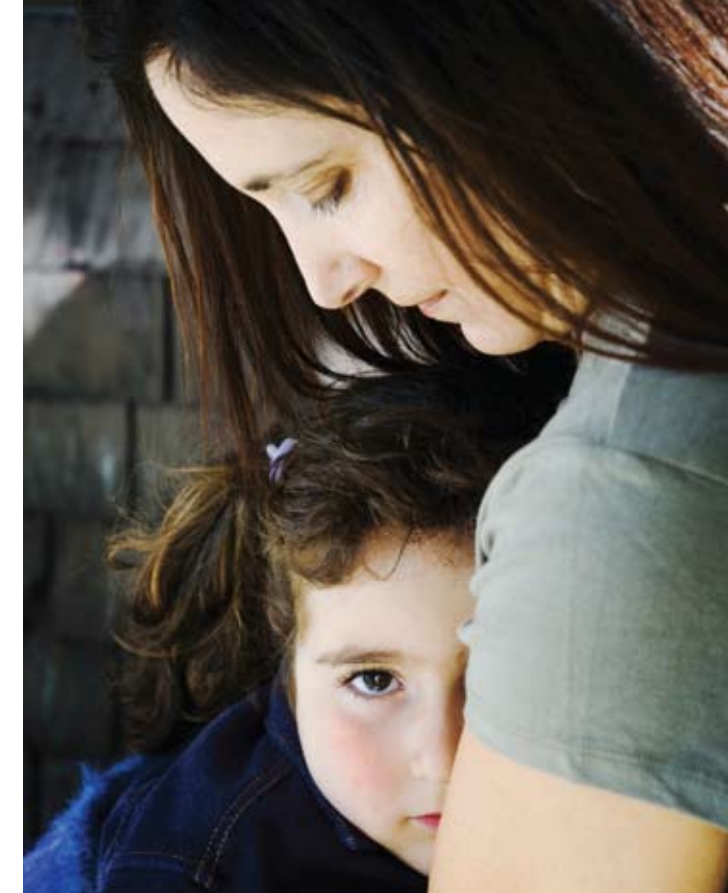


assist front-line workers in this endeavor. U.S. law provides several protections for legal and undocumented immigrants who have been victims of a crime. Often victims are unaware of such protections, thus frontline workers serve as a critical link for immigrant victims. There are specific protections for victims of domestic violence, victims of certain crimes, and victims of human trafficking.

All agencies within the Department of Homeland Security (DHS), including USCIS, are legally prohibited from disclosing that a victim has applied for VAWA, T, or U immigration benefits.

Visit the “Humanitarian” section of the USCIS website
www.uscis.gov

Law Enforcement Officials and
Representatives of Record
contact USCIS at **1 802 527 4888**
All others should call **1 800 375 5283**



Immigration Options for Victims of Crimes

Information for Law Enforcement, Healthcare Providers, and Others

Violence Against Women Act
U Nonimmigrant Status
T Nonimmigrant Status



**U.S. Citizenship
and Immigration
Services**



**U.S. Citizenship
and Immigration
Services**

Violence Against Women Act
(VAWA) Self-Petitioners



Some immigrants may be afraid to report acts of domestic violence to the police or to seek other forms of assistance. Such fear causes many immigrants to remain in abusive relationships.

Victims of domestic violence who are the child, parent, or current/former spouse of a United States citizen or a permanent resident (green card holder) and are abused by the citizen or permanent resident may be eligible to apply for a green card themselves without needing the abuser to file for immigration benefits on their behalf. This provision of the law was created under the Violence Against Women Act (VAWA).

Victims must establish that they:

- Have or had a qualifying relationship with the abuser spouse, or, are the parent or child of the abuser,
- Reside or resided with the abuser,
- Have good moral character, and
- Have been victims of battery or extreme cruelty.

VAWA provisions apply equally to men and women. Victims of domestic violence, whether a spouse, child, or parent of the abuser, may self-petition by filing Form I-360, Petition for Widow(er)s, Amerasians, and Special Immigrants. This form is available on USCIS’ website, www.uscis.gov.

U Nonimmigrant Status

U nonimmigrant status (or U visa) offers immigration protection for victims and is also a tool for law enforcement. To obtain U status, the victim must obtain a certification from law enforcement, however, law enforcement officials should note that providing a certification does not grant a benefit—only USCIS has the authority to grant or deny this benefit.

Victims are not required to be in legal immigration status, but they must:

- Be a victim of qualifying criminal activity and have suffered substantial physical or mental abuse as a result of the crime,
- Possess credible and reliable information about the qualifying criminal activity,
- Be, have been, or are likely to be helpful to the investigation and/or prosecution of that qualifying criminal activity, and
- Be a victim of criminal activity that violated a U.S. law.



Victims of the following crimes may be eligible for a U nonimmigrant visa:

Abduction	Manslaughter
Abusive Sexual Contact	Rape
Blackmail	Murder
Domestic Violence	Obstruction of Justice
Extortion	Witness Tampering
False Imprisonment	Prostitution
Female Genital Mutilation	Sexual Assault
Perjury	Slave Trade
Felonious Assault	Torture
Hostage Taken	Trafficking
Incest	Sexual Exploitation
Peonage	Unlawful Criminal Restraint
Involuntary Servitude	Other Related Crimes
Kidnapping	

To apply for U nonimmigrant status, the victim must file Form I-918, Petition for U Nonimmigrant Status. Law enforcement official must certify Form I-918, Supplement B. Qualifying family members may also be eligible to apply for benefits.

Visit the “Humanitarian” section of the USCIS website
www.uscis.gov

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T Nonimmigrant Status

Trafficking in persons—also known as “human trafficking”—is a form of modern-day slavery. Traffickers prey on many types of people, often including individuals who are poor, unemployed, underemployed, or who lack the safety and protection of strong social networks. Victims are often lured under the false pretenses of good jobs and better lives, and then forced to work under brutal and inhumane conditions. Many believe that human trafficking is a problem that only occurs in other countries—but human trafficking also happens in the United States.

The T nonimmigrant status (or T visa) provides immigration protection to victims of severe forms of trafficking in persons who assist law enforcement in the investigation and prosecution of human trafficking cases.

Overview

Special Immigrant Juvenile (SIJ) status is an immigration classification for certain foreign children present in the United States who have been abused, neglected or abandoned by a parent. Children may be eligible if they are the subject of a juvenile court order that makes certain findings regarding:

- Their court-ordered custody, placement or dependency;
- The non-viability of parental reunification; and
- The best interests of the child.

SIJ classification allows these individuals to apply for lawful permanent resident (LPR) status (also known as getting a Green Card). Children eligible for SIJ classification may include those who are:

- In a state’s child welfare system;
- Currently (or were previously) in federal custody due to their undocumented status; or
- Living with a foster family, an appointed guardian or the non-abusive custodial parent.



Questions to USCIS

State juvenile courts and child welfare agencies can submit general questions or outreach requests to USCIS-IGAO outreach@uscis.dhs.gov.

General SIJ Information

Visit the “Humanitarian” section of the USCIS Website www.uscis.gov/humanitarian.

Reporting Crimes

Contact DHS Homeland Security Investigations at **(866) DHS-2-ICE** for concerns regarding human trafficking.

General Information on Adjustment of Status

<https://www.uscis.gov/green-card/green-card-processes-and-procedures/adjustment-status>

Questions Regarding a Case

You may ask USCIS about a case by calling **(800) 375-5283**, or making an INFOPASS appointment at <https://infopass.uscis.gov>.

Check Case Status

Check the status of a case by visiting the “Check your Case Status” section of www.uscis.gov.



Immigration Relief for Abused Children

SPECIAL IMMIGRANT JUVENILE STATUS

Information for Juvenile Court Judges and Child Welfare Professionals



U.S. Citizenship and Immigration Services

Additional Tips

1. **BE FAMILIAR WITH THE CURRENT ELIGIBILITY REQUIREMENTS.**
Section 101(a)(27)(J) of the Immigration and Nationality Act establishes the definition of Special Immigrant Juvenile.
2. **PROVIDE THE FACTUAL BASIS FOR THE JUVENILE COURT ORDER FINDINGS.**
Template court orders are generally insufficient. Court orders that include a reasonable factual basis for the findings on dependency or custody, parental reunification and best interests are usually sufficient for USCIS to grant consent. If the court order does not include a reasonable factual basis for the court’s findings, petitioners may submit alternative evidence such as: separate orders containing findings of fact, records from the judicial proceedings or affidavits summarizing the evidence presented to the court.
3. **BE TIMELY.**
 - The child must obtain the juvenile court order before he or she ages out of the court’s jurisdiction. State laws on jurisdiction vary, but jurisdiction may end at 18 years of age.

NOTE: If a child (who is otherwise eligible) ages out of the juvenile’s court’s jurisdiction prior to filing the SIJ petition with USCIS, he or she remains eligible to petition for SIJ classification.
 - The child must submit the SIJ petition to USCIS before turning 21, even in states where court jurisdiction extends beyond age 21.

NOTE: If a child (who is otherwise eligible) turns 21 years of age after filing the SIJ petition with USCIS, he or she remains eligible for SIJ classification.

Eligibility Requirements

To qualify, a child must meet the following four requirements:

1. Be under 21 years of age at time of filing the SIJ petition;
 2. Be unmarried;
 3. Be physically present in the United States; and
 4. Have an order from a juvenile court that makes the following three findings:
- **DEPENDENCY/CUSTODY:** Declares the child dependent on the court, or legally places the child under the custody of an agency or department of a state, or an individual or entity appointed by a state or juvenile court.
 - Temporary orders are generally not sufficient.
 - **PARENTAL REUNIFICATION:** Reunification with one or both of the child’s parents is not viable because of abuse, neglect, abandonment or a similar basis under state law.
 - “Not viable” generally means the child cannot be reunified with his or her parent(s) before the age of majority.
 - The abuse, neglect, abandonment or similar basis under state law may have occurred in the child’s home country or in the United States.
 - **BEST INTEREST:** It would not be in the child’s best interest to be returned to his or her country of origin.

Role of Child Welfare Professionals

Child welfare professionals are uniquely positioned to identify and assist victims of child abuse, neglect or abandonment who may be eligible for SIJ classification. Child welfare professionals may assist by:

- Referring the child’s case to an immigration attorney or accredited representative;
- Providing assessments and reports to assist the juvenile court in making findings that may establish SIJ eligibility; and
- Collecting important documents, such as proof of the child’s age and identity.

Role of Juvenile Courts

For SIJ purposes, a juvenile court is a court that has jurisdiction under state law to make judicial determinations about the care and custody of



juveniles. Examples of courts that are considered juvenile courts are: dependency, delinquency, probate and family courts. Juvenile courts make findings based on state law about the abuse, neglect or abandonment, family reunification, and best interests of the child. Juvenile court judges apply state law on issues

such as jurisdiction, evidentiary standards, and parental notice, parental rights and due process.

Although USCIS relies on the juvenile court’s findings on child welfare issues to determine whether a child is eligible for SIJ classification, only USCIS can adjudicate the SIJ petition.

Role of USCIS

USCIS determines if the child meets the statutory requirements for SIJ classification under immigration law by reviewing the SIJ petition (Form I-360) and supporting evidence, including the juvenile court order. USCIS reviews the juvenile court order to ensure that all of the requisite findings were made. USCIS also determines whether or not to consent to the granting of SIJ classification. In order to consent, USCIS must determine that the request for SIJ classification is bona fide, which means the court order was sought for relief from abuse, neglect, abandonment or a similar basis under state law, rather than primarily to obtain an immigration benefit. To make this determination, USCIS requires the factual basis for the court’s findings, as described under the Additional Tips section.

Filing with USCIS

Petition for SIJ Classification

The child must have a juvenile court order that contains the required findings before filing the following forms and supporting documentation with USCIS: **Petition for SIJ Classification**

SIJ-Based Lawful Permanent Resident (LPR) Application

A child who is granted SIJ classification must file a separate application to obtain LPR status, which is also known as “adjustment of status.” An application for LPR status may be filed together with the Form I-360 if a visa number is immediately available at the time of filing (in the EB-4 category) and USCIS has jurisdiction over the child’s application to adjust status. To apply for LPR status, a child submits a Form I-485, Application to Register Permanent Residence or Adjust Status, with all required documentation and evidence. Form I-485 instructions provide detailed information about the filing requirements.

NOTE: Biological or former adoptive parents of a child who obtains LPR status through SIJ classification can never be granted any immigration benefits through the SIJ child. However, a child who obtains lawful permanent residence or U.S. citizenship may petition for certain other qualifying family members through family-based immigration.

	Petition for SIJ Classification
Form	Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant
Fee	None
Supporting Documentation	<ul style="list-style-type: none">• The child’s birth certificate or other evidence of the child’s age;• Certified copy of the juvenile court order which includes the judicial findings and a reasonable factual basis for each finding or alternative evidence to establish the factual basis for the findings; and• U.S. Department of Health and Human Services consent, if a child in their custody seeks a juvenile court order that alters his or her HHS custody status or placement.
Supporting Forms	Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, if applicable.

Any documents submitted in a foreign language must be accompanied by a full English translation. Translators must certify that they are competent to translate and that the translation is accurate.



Don't be afraid to

ASK FOR HELP

Stop living in fear. Know your rights and reclaim your life. Immigration assistance is available for victims of human trafficking (a form of modern day slavery), domestic violence, and other crimes.

To get help call **1-888-373-7888** or
dial **911** in an emergency.

To learn more, visit www.uscis.gov/batteredspouseschildrenandparents
and www.uscis.gov/humantrafficking.



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