
Immigration Act of 1990

As part of the Immigration Act of 1990, Congress created a law to help certain undocumented children gain lawful Special Immigration Juvenile Status (SIJS).

The [San Diego Volunteer Lawyer Program \(SDVLP\)](#) provides legal services to assist child welfare staff with the SIJS application process.

Required elements

In order to qualify for SIJS, the Juvenile Court must make the following findings and orders:

1. That the minor is a dependent of the San Diego County Juvenile Court.
2. That the minor's reunification with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis in State law
3. That an attorney from the San Diego Volunteer Lawyers Program is to be appointed for purposes of Immigration **(MI120)**
4. That a Motion for determination under Title 8, USC Section 1101(a) (27) (j) is granted **(MI130)**
5. That it is not in the best interest of the child to be returned to his/her or his/her parents' previous country of nationality or country of last habitual residence. It is in the child's best interests to remain in the United States (**Screen**).

Once the court has made the above, the SW must complete the following steps when applying for SIJS:

STEP	ACTION
1	Consult with the child's attorney to coordinate the application for SIJS and the use of a SDVLP attorney.
2	Submit a request for a certified copy of the child's birth certificate .
3	Document all efforts to obtain the birth certificate if one is not available.
4	Call County Counsel (dependency) to set a Special Hearing .

5	For the Special Hearing, prepare an Addendum Report and include appropriate SIJS court recommendations
---	--

If the Court approves SIJS recommendation

If the court approves of the SIJS recommendation, the SW will do the following:

STEP	ACTION
1	Call SDVLP at (619) 235-5656 to schedule an appointment with a SDVLP attorney. SDVLP will provide a SIJS application packet to SW.
2	Arrange for the child to be present at that appointment.
3	Assist the attorney in completing the application forms.
4	<p>Arrange for the child to do the following when directed by the SDVLP attorney:</p> <ul style="list-style-type: none"> • Have a physical exam* by a certified physician (Referrals provided by SDVLP). • Be fingerprinted (if child is 14 or older). • Obtain 3 passport-size photographs of the child, which will meet all of the specified requirements. The SDVLP attorney can advise as to these requirements. <p>NOTE: The physical examination should be specifically authorized by the court when it approves the SIJS recommendation.</p>
5	<p>Attend a USCIS interview with the child and the SDVLP attorney if requested by the attorney.</p> <p>NOTE: Refer any other immigration issues to the SDVLP.</p>

Attorney's responsibilities

The SDVLP attorney will do the following:

STEP	ACTION
1	Interview the child and screen for SIJS eligibility.

2	Explain the SIJS to the child, if age appropriate.
3	Completes the SIJS application. If the child is 16 or older this may also require a work permit application.
4	Obtain any waivers, if necessary.
5	Instruct the SW to arrange for the child's physical exam, fingerprints, and photos.
6	Attend the USCIS interview with the child and SW.

Fees

When advised by the SDVLP attorney, the SW will request CWS funds for SIJS application costs using the 04-132 Social Worker Expense for Dependent Identification Reimbursement Form (*CWS.CMS Template*). The attorney will advise the SW if the check should be made out to SDVLP or to [USCIS](#). For costs incurred by the SW for SIJS application, the SW must complete the 04-132 and form must be submitted to CWS Fiscal Analyst for processing at Mail Stop W-94.
