

Immigration Newsletter



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Who Should See an Attorney to Determine Whether Their Child is Eligible for Special Immigrant Juvenile Status?

Anyone caring for a juvenile who is in the United States, does not have immigration status, and is not living with both parents should see an attorney to determine if he or she is eligible for special immigrant juvenile status.

What are the Requirements for Special Immigrant Juvenile Status?

The juvenile must be:

- Under the age of 21,
- Unmarried,
- Physically present in the USA, and
- Have an order from a family law court or other state court finding that:
 - 1) he or she cannot be reunited with one or both parents because of abuse, abandonment, or neglect, and
 - 2) it is in his or her best interest to stay in the United States instead of returning to his or her home country

WE'VE MOVED!!!

We are still in the Chase Bank Building:
Our new office suite number is
#714

Special Immigrant Juvenile Status

Special Immigrant Juvenile Status is a special humanitarian immigration status for foreign-born children who are in the United States who have been abused, abandoned, or neglected by a parent. Special Immigrant Juvenile Status is an immigration classification that allows for these vulnerable children to immediately apply for lawful permanent resident status ("LPR" status or a "Green Card").

What is abuse, abandonment, or neglect?

The concept of abuse, abandonment, or neglect can include many types of situations. It is always best to consult with an attorney to see if the juvenile qualifies.

However, here are some examples:

- Physical abuse
- Parent's inability to support or care for the child (e.g. because of a health problem)
- Parent has a problem with alcohol or drugs
- Parent fails to provide economic support for the child
- Parent is deceased
- Parent fails to provide appropriate supervision for the child (e.g. inappropriately leaves the child alone)
- Parent is unable to protect a child from danger

How do I apply for special immigrant juvenile status?

- First, obtain the required order from the family law

court or other state court. Often, this is an order granting custody of the child to a parent or other relative.

- Second, submit the application for special immigrant juvenile status to U.S. Citizenship & Immigration Services (USCIS).
- Third, submit the application for lawful permanent resident status (green card) to USCIS.*

* The residency application must be submitted before the juvenile turns 21. If it is not submitted by this time, he or she cannot apply.

FREQUENTLY ASKED QUESTIONS

Does it matter where the abuse, abandonment, or neglect took place?

No, the abuse may have taken place in the United States or before the child arrived in the United States.

Can a child who received special immigrant juvenile status apply for immigration status for his or her parents?

No, children who obtain their immigration status this way cannot apply for either one of their parents.

What if only one parent abused, abandoned or neglected the juvenile and he/she is still living with the other parent?

Children who are still living with one of their parents may qualify, if the other parent abused, abandoned, or neglected them.

Can the non-abusive parent or other person caring for the juvenile obtain custody if he/she does not have legal status in the U.S.?

Yes, it does not matter if the parent or other person with whom the child is living has legal immigration status or not. In fact, in most of our cases, the person with custody does not have legal immigration status.