



SPECIAL IMMIGRANT JUVENILE STATUS LAW **Public Act 18-92 Changes to Connecticut Law (effective July 1, 2018)**

SPECIAL IMMIGRANT JUVENILE STATUS (SIJS)

- SIJS is unique among immigration remedies because it involves a state court process before filing with federal authorities.
- SIJS allows an undocumented child or youth who:
 1. Is under the age of 21,
 2. Is unmarried,
 3. Cannot be reunited with one or more parent because of abuse, neglect or abandonment, and
 4. A court finds it is not in the best interest for the child or youth to return to his or her home country;to file for special findings in state court that can be used with U.S. Citizenship and Immigration Services (USCIS) to adjust their status to a lawful resident.
- In Connecticut, courts that can issue SIJS findings include juvenile courts, family courts, and probate courts.
- A petition for SIJS findings is typically filed in conjunction with petitions involving guardianship, parental rights, delinquency, custody or adoption of a child or youth in the appropriate state court.
- The state court is not being asked to grant a child lawful immigration status; that responsibility lies solely with USCIS. The state court's role in the SIJS process is to make decisions about the care and custody of the child or youth as well as the factual determinations necessary for SIJS eligibility. The child or youth can then take that state court order to apply for status with USCIS.

THE AGE GAP BEFORE PUBLIC ACT 18-92

- For decades, state law only permitted petitions in state courts for a child under the age of 18.
- Federal law however allows children and youth to file for SIJS up to age 21.
- This created a gap, because it meant that there were immigrants aged 18, 19 and 20 who were eligible for SIJS under the federal laws, but could not get the state court SIJS findings because of their age.

PUBLIC ACT 18-92 CLOSES THE GAP (effective JULY 1, 2018)

- On May 9, 2018, the Connecticut Legislature passed HB 5185, An Act Concerning Guardianship for Individuals Seeking Special Immigrant Juvenile Status, which is now Public Act 18-92.
- For cases involving guardianship appointments or removal of a parent/guardian in probate courts, Public Act 18-92 now allows the probate courts to issue SIJS findings for applicants up to age 21.
- This change now enables 18, 19, and 20-year-olds who are victims of abuse, neglect and abandonment to file a guardianship petition in state probate court and ask for the findings they need to make that SIJS application.
- This advancement for vulnerable immigrant youth opens up a path to legal status in the U.S., which was otherwise unattainable just a few months ago.

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