



## SIJ Status

Special Immigrant Juvenile Status (SIJS) is available to victims of child maltreatment who:

- Are under 21\* years
- Are unmarried,
- Have been abused, abandoned, or neglected by one or both parents
- Are able to obtain a court order that finds reunification is not viable and removal to home country is not in the best interest of the child.

SIJS approvals allow victims to apply for Green Cards immediately.

\*It is important to note that while immigration law permits children to be individuals up to age 21, most states will only grant the court orders necessary to those under the age of 18.

□ The court that has jurisdiction to provide the court order will vary by state. However, the following court proceedings may be able to provide the required determinations: family court hearings such as custody, divorce, or legal separation proceedings; motions for declaratory judgment; dependency proceedings; termination of parental rights; probate court (often including guardianship proceedings), adoption proceedings, paternity and child support proceedings, protection orders, delinquency proceedings, and criminal proceedings.

## For More Information

This brochure is intended for use as only a brief introduction to potential pathways of immigration relief for immigrant students and DACA recipients.

For more information regarding the most current eligibility requirements and benefits of the various types of immigration relief, please visit [www.uscis.gov](http://www.uscis.gov).

For more information regarding an individual's eligibility, please inquire at our statewide directory to identify advocates and attorneys in your area at <http://niwap.org/directory/>.

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## Pathways to Immigration Relief for Students



# DACA

On June 15, 2012, the Obama Administration announced the availability of Deferred Action for Childhood Arrivals to immigrants who meet the following:

- Are under the age of 31 as of June 15, 2012,
- Arrived in the U.S. prior to their 16<sup>th</sup> birthday,
- Are at least 15 years old presently,
- Entered the U.S. without inspection prior to June 15, 2012, or were in the U.S. without status on June 15, 2012,
- Have continuously resided in the U.S. since June 15, 2007,
- Are currently attending school, have graduated from high school, have earned a GED, or have honorably served in the armed forces,
- Have not been convicted of a felony, significant misdemeanor, or three or more misdemeanors; and
- Do not pose a threat to public safety or national security.

Deferred action provides immigrants temporary protection from deportation, and work authorization for a period of two years. Additionally, some states permit DACA recipients to obtain driver's licenses.

# Immigration Pathways

While DACA provides recipients with several benefits, it does not offer a path to lawful permanent residency (or a "Green Card"). Many individuals may be eligible for these other forms of relief due to life circumstances involving criminal activity victimization. The goal of this brochure is to help educate young people who may be eligible for DACA about other forms of immigration relief for those who are foreign-born, and are victims of criminal activity related to teen-dating violence, stalking, and domestic violence in the home. Eligibility for the following may result in a Green Card, the opportunity to pay in-state tuition for college, and the ability to apply for FAFSA for college funding. The possibilities could be endless!

## U Visa

The U Visa is available to victims of qualifying criminal activity\* who meet the following:

- Have suffered substantial physical or mental abuse as a result of the criminal activity,
- Possess information about the crime, and
- Are being helpful, have been helpful, or are willing to be helpful in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity.

\*Qualifying criminal activity includes the following: abduction, abusive sexual contact, blackmail, domestic violence, extortion, false imprisonment, female genital mutilation, felonious assault, fraud in foreign labor contracting, hostage, incest, involuntary servitude, kidnapping, manslaughter, murder, obstruction of justice, peonage, perjury, prostitution, rape, sexual assault, sexual exploitation, slave trade, stalking, torture, trafficking, witness tampering, unlawful criminal restraint, other related criminal activity (including attempt, conspiracy, or solicitation to commit any of the above and other related criminal activity).

# VAWA Self-Petition

The Violence Against Women Act (VAWA) Self-Petition is available to survivors of domestic violence who meet the following:

- Have or had a qualifying relationship\* with the United States Citizen or Lawful Permanent Resident abuser
- Reside or have resided with the abuser
- Have good moral character, and
- Have been the victims of battery or extreme cruelty.

VAWA allows victims to apply for a Green Card without needing the abusers to file an immigration petition on their behalf.

\*Relationships include: child, spouse, and parent of child. A child has until 25 years of age to apply for VAWA as the victim of child abuse.

## T Visa

The T Visa is available to victims of human trafficking\* who meet the following:

- Are physically present in the U.S. on account of the trafficking,
- Are complying with any reasonable request for assistance with an investigation or prosecution, and
- Would suffer extreme hardship if removed from the U.S.

\*Federal law divides trafficking into two forms: sex trafficking and labor trafficking. Sex trafficking includes: recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act where the commercial sex act is induced by force, fraud, or coercion, or the person being induced to perform such act is under 18 years of age. Labor trafficking includes: recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of involuntary servitude, peonage, debt bondage, or slavery.

