

Special Immigrant Juvenile Status (SIJS)	Deferred Action for Childhood Arrivals (DACA)	Asylum
<p><b>Purpose: To help children in the U.S. who have been abused, abandoned, or neglected.</b></p> <ul style="list-style-type: none"> <li>Children who can't be reunited with parents can get green cards as an SIJ;</li> <li>Children who get green cards as SIJs can live and work in U.S. permanently.*</li> </ul> <p><b>To become SIJ, state court must:</b></p> <ul style="list-style-type: none"> <li>Declare child a dependent of the court or legally place child with a state agency, private agency, or private person; and</li> <li>Find it is not in child's best interest to return to home country or country last lived in; and</li> <li>Find that child cannot be reunited with a parent due to abuse, abandonment, neglect, or other similar reason under state law.</li> </ul>	<p><b>After ending DACA, Trump Administration:</b></p> <ul style="list-style-type: none"> <li>Is now accepting DACA requests for renewals only due to federal court orders; and</li> <li>Is NOT accepting requests from people who have never been granted deferred action under DACA.</li> <li>DACA will operate on the terms in place before it was ended on 9/5/17, but can do a new initial request if the DACA expired before 9/5/17 or a renewal if the DACA expired on/ after 9/5/17.</li> <li>Moving target as courts continue to weigh in and depending on what happens in 2018 midterms, legislative fixes are discussed.</li> <li><a href="https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca">https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca</a></li> <li><a href="https://www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction">https://www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction</a></li> </ul>	<p><b>Purpose: To help those in the U.S. who are unable/unwilling to return to their home country due to fear of persecution.</b></p> <p><b>Asylum available to persons who:</b></p> <ul style="list-style-type: none"> <li>Fit the definition of refugee;</li> <li>Are already in the U.S.;</li> <li>Are seeking admission at a port of entry;</li> <li>May include spouse and child (if under 21 and unmarried).</li> </ul>
<p><b>Eligibility requirements:</b></p> <ul style="list-style-type: none"> <li>Under 21 years of age;</li> <li>Not married when application filed and decided;</li> <li>State court order must be in effect when application filed and decided unless aged out of order through no fault of child's own.</li> </ul> <p>*If child gets a green card as SIJ, can't ever petition to get green card for parents, and can't get green card for siblings until child becomes a citizen.</p> <p>**A child may be ineligible for various adult criminal convictions, but is not generally barred by delinquency.</p> <p>Government contact: USCIS-IGAO Outreach@uscis.dhs.gov</p>	<p><b>Eligibility requirements prior to 9/5/17:</b></p> <ul style="list-style-type: none"> <li>Individual was under 31 as of 6/15/12;</li> <li>Came to the U.S. prior to 16th birthday;</li> <li>Has continuously resided in the U.S. since 6/15/07 through present;</li> <li>Was physically present in the U.S. on 6/15/12 and at the time of making the request for deferred action;</li> <li>Is currently in school/has graduated/obtained GED or equivalent, or honorable discharge from Coast Guard or Armed Forces; and</li> <li>Has not been convicted of a felony, significant misdemeanor, three or more misdemeanors, or otherwise pose a threat to public safety.</li> </ul>	<p><b>Additional requirements:</b></p> <ul style="list-style-type: none"> <li>Individual is not a security risk or perpetrator of persecution;</li> <li>Has not committed certain categories of crimes; and</li> <li>Must generally apply within one year of entering the U.S.</li> </ul> <p>Can stay if expulsion would put them at risk, unless:</p> <ul style="list-style-type: none"> <li>Can move home or to another county safely; or</li> <li>Individual no longer meets the requirements of eligibility (crime, risk, participated in persecution).</li> </ul> <p><b>Refugee definition:</b></p> <p>Any person outside their country of nationality (if no nationality, the country last habitually resided in) who is unable/unwilling to return to that country, or is unwilling/unable to avail themselves of the protection of that country due to a well-founded fear of persecution on the basis of race, religion, nationality, membership of a social group, or political opinion if returned to home county/last county of residence.</p>

The material provided in this document is for general information purposes. It is not intended to be legal advice. The law and administrative policies are subject to frequent change. The above information may not reflect the most current developments in law and policy. Readers should not rely upon this information in lieu of legal advice, and are encouraged to consult with a licensed attorney about their particular situation.



T-Visa	U-Visa	Violence Against Women Act (VAWA)
<p><b>Purpose: To allow victims of human trafficking to remain in the U.S. to assist in an investigation or prosecution of human trafficking.</b></p>	<p><b>Purpose: To allow victims of crimes to remain in the U.S. to assist in investigation or prosecution of the criminal activity.</b></p>	<p><b>Purpose: A means for battered &amp; abused persons to obtain a green card without the cooperation of the U.S. citizen or LPR relative who is abusing them.</b></p>
<p><b>Eligibility requirements:</b></p>	<p><b>Eligibility requirements:</b></p>	<p><b>Eligibility requirements:</b></p>
<ul style="list-style-type: none"> <li>• Are/were a victim of trafficking <ul style="list-style-type: none"> <li>o Labor traffic victims must prove process (recruiting, harboring), means (fraud, force, coercion), and end (involuntary servitude);</li> <li>o Sex traffic victims must show means (unless age 18, show fraud, force, coercion), and end (commercial sex act).</li> </ul> </li> <li>• Are in the US or port of entry due to trafficking</li> <li>• Comply with reasonable request from law enforcement for assistance in investigating or prosecution of trafficking unless under 18, or physically or psychologically unable</li> <li>• Show extreme hardship would be suffered involving unusual and severe harm if removed from U.S.</li> </ul> <p><i>Can apply for qualifying family members.</i></p> <p>Maximum length of stay with a T-visa is 4 years unless extended. Can be eligible to apply for lawful resident status if continuously in U.S. for 3 years (or less, if the trafficking prosecution has completed) and of good moral character. Eligible for some federal benefits and human services.</p>	<ul style="list-style-type: none"> <li>• Victim/witness of qualifying criminal activity: rape, torture, trafficking, incest, DV, sexual assault, prostitution, stalking, female genital mutilation, involuntary servitude, slave trade, kidnapping, abduction, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, perjury, or any similar federal, state, or local crime;</li> <li>• Crime occurred in U.S.;</li> <li>• Victim/witness is admissible to U.S.;</li> <li>• Suffer substantial physical/mental abuse;</li> <li>• Have information about a crime (or if under age 16, parent/guardian/friend has it); and</li> <li>• Have been, or will likely be, helpful in investigation or prosecution related to the criminal activity.</li> </ul> <p><i>Can apply if victim/witness is outside the U.S.</i></p> <p><i>Qualifying family members can apply.</i></p> <p><i>Cap for U-Visas issued annually (10,000), but no cap for qualifying family members.</i></p> <p>Maximum length of stay is 4 years unless extended. Can be eligible to apply for lawful resident status if continuously in U.S. for 3 years, did not unreasonably refuse to provide assistance to law enforcement, and staying is justified on humanitarian grounds or is within greater public interest.</p>	<ul style="list-style-type: none"> <li>• Spouses/former spouses abused by U.S. citizens/ LPR must file while married or w/in 2 years of divorce;</li> <li>• “Intended spouses” who had a marriage ceremony w/U.S. citizen or LPR where battered victim was unaware spouse was a bigamist;</li> <li>• Spouses (and former/intended) whose children/stepchildren were battered/suffered extreme cruelty by child’s citizen or LPR parent;</li> <li>• Children and step-children abused by citizen or LPR parent/step-parent. If the abuse was by step-parent, child must file self-petition before the divorce;</li> <li>• Parents abused by citizen/LPR children, in-laws, or step-children over 21 years old, (step-child must have been under 18 at the time of the marriage);</li> <li>• Must prove good moral character;</li> <li>• Lived with the abuser; and</li> <li>• The marriage was in good faith, not for immigration purposes.</li> </ul> <p><i>Eligible for LPR.</i></p> <p><i>May also be eligible for Cancelling of Removal/ Suspension of Deportation.</i></p>

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