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## **5 Most Common Pathways to Lawful Immigration Status for Undocumented Youth and Families:**

### **1. Special Immigrant Juvenile Status (SIJS):**

SIJS is a path to lawful permanent residency for unmarried youth under 21 under the jurisdiction of a State court who cannot be reunified with one or both parents due to abuse, abandonment, neglect, or a similar basis under State law. Youth must first get an order from a State court establishing their eligibility before they can apply. In Colorado it is possible to obtain the required order in Dependency and Neglect, Delinquency, Allocation of Parental Responsibilities, Guardianship, and Adoption proceedings. Note that youth in Dependency and Neglect should get the required SIJS order and ideally SIJS should be approved *prior* to youth transitioning into transitional foster care.

***Q: Was child abused, neglected or abandoned by parent(s)?***

### **2. U Visa:**

A U visa provides a pathway to lawful permanent residency for victims of certain serious crimes in the United States such as domestic violence and sexual assault who have been helpful in the investigation or prosecution of that crime. Victims must first obtain a certification from law enforcement attesting to their victimization and helpfulness before they can apply for a U visa with immigration authorities. Note that victims can also apply for close family members to be included on their application.

***Q: Was the child or their family member ever a victim of a crime in the US that was (or could be) reported to police?***

### **3. T Visa:**

A T visa provides a pathway to permanent residency for victims of sex and labor trafficking. Many foreign national youth have been victims of trafficking such as forced participation in prostitution and drug trafficking. The T visa allows victims of trafficking to qualify for many public benefits, to include close family members in the US and abroad on their application, and to apply for lawful permanent residency.

***Q: Is child charged with drug distribution that could be the result of force, coercion? Was child involved in prostitution, porn?***

### **4. Asylum:**

Asylum is available to those that have suffered or fear they would suffer persecution in their home country. The persecution suffered or feared must be on account of race, nationality, religion, political opinion, or membership in a particular social group. In general, people must apply for asylum within one year of entering the United States, although there are certain exceptions, especially for unaccompanied children under 18.

***Q: Is child afraid to be returned home and why?***

### **5. Violence Against Women Act (VAWA):**

VAWA allows spouses, children, and parents of abusive U.S. citizens or legal permanent residents to apply for permanent residency without the participation of their abuser. To be eligible for VAWA, applicants must show immigration authorities that they were subjected to battery or extreme cruelty by their US citizen or legal permanent resident spouse, parent, or child. If able to demonstrate *prima facie* eligibility, applicants are eligible for many public benefits and for permanent residency.

***Q: Was the child abused by USC/LPR parent or step-parent? Was the child's parent abused by USC/LPR spouse?***

**For a free immigration consultation for youth and families, please contact  
RMIAN at 303-433-2812 or online at <https://www.rmian.org/childrens-program>**