



The Benefits of Obtaining Legal Guardianship of an Immigrant Child

Obtaining legal guardianship is an important step a sponsor can take to support a child in their new life in the United States and may also help strengthen the child's immigration case.



What is legal guardianship?

Legal guardianship is the process in which an individual, who is not the child's parent, assumes legal responsibility for the child.



A legal guardian can make decisions about the child's care which would normally be made by a parent.



Legal guardianship is not the same as adoption, as it does not terminate parental rights. The child's parents should still participate in decisions related to the child's well-being.

How is legal guardianship obtained?



The individual who is interested in seeking guardianship should consult with an attorney to assist with filing a petition with the local family court for approval by a judge.

Why obtain legal guardianship of a child?

- Gives the sponsor the legal right to make financial, medical, and educational decisions on behalf of the child.
- Avoids unnecessary complications and delays with common requests from medical providers and school personnel.
- Provides the child with a sense of permanency and stability, which is an important factor in their well-being and development.
- Strengthens the child's immigration case by demonstrating that the sponsor/caregiver is providing a permanent and stable home for them in the United States.
- May be the first step to help the youth obtain legal status in the United States through a Special Immigrant Juvenile Status (SIJS) application, with the assistance of an attorney.

For more information about the process of obtaining legal guardianship, consult with an attorney.

This handout is for information only and not intended to serve as legal advice.