



TEACHING, INTERPRETING,
& CHANGING LAW SINCE 1979

EXECUTIVE DIRECTOR

Eric Cohen

San Francisco

Washington, D.C.

San Antonio

Houston

ilrc@ilrc.org

www.ilrc.org



July 28, 2025

Jerry Rigdon, Acting Chief
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

Submitted via regulations.gov

Dear Chief Rigdon,

The Immigrant Legal Resource Center (ILRC) submits the following comment in strong opposition to OMB Control Number 1615-0008, USCIS's proposed revision of Form G-325A to exclude recipients of Special Immigrant Juvenile Status (SIJS), stateless individuals, and recipients of the Deferred Action for Labor Enforcement (DALE) program. Additionally, we strongly oppose the Policy Manual changes and accompanying Policy Alert that USCIS issued on June 5, 2025, that eliminates the statelessness deferred action policy and the alert and change dated June 6, 2025, which eradicates the SIJS Deferred Action Policy. While there has been no formal announcement, we similarly oppose the agency's apparent decision to terminate DALE through changes to the government websites. We strenuously object to the eradication of these deferred action policies which have been integral to protecting some of the most vulnerable immigrant communities and providing a modicum of stability and safety for them in the United States. Eradicating deferred action programs returns these individuals to a precarious position and further exposes them to the Trump administration's overreaching and misguided expansion of immigration enforcement.

The ILRC is a national non-profit organization that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The ILRC's mission is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people. Since its inception in 1979, the ILRC has provided technical assistance on hundreds of thousands of immigration law issues, trained thousands of advocates and pro bono attorneys annually on immigration law, distributed thousands of practitioner guides, provided expertise to immigrant-led advocacy efforts across the country, and supported hundreds of immigration legal non-profit organizations in building their capacity.

The ILRC publishes advisories and manuals for legal practitioners in many areas of family and humanitarian immigration law. The ILRC has expertise in several areas of immigration law where stateless individuals are impacted, including asylum, TPS, deferred action, U and T visas, and parole in place. The ILRC is also a leader in interpreting immigration relief for immigrant youth. The ILRC has a long history of producing trusted legal resources including webinars, trainings, and manuals, such as *Special Immigrant Juvenile Status and Other Immigration*

Options for Children and Youth. Through our extensive network with service providers, immigration practitioners, and immigration benefits applicants, we have developed a profound understanding of the barriers faced by vulnerable immigrants and low-income communities of color. It is through this lens that we provide the following comment.

The Policy Underlying the Form G-325A Revisions Has Been Implemented in Violation of the Paperwork Reduction Act (PRA), Which Mandates Time for Comments.

USCIS's proposed changes to Form G-325A make a mockery of the notice and comment procedures. USCIS stopped granting deferred action to SIJS recipients in early April 2025, and it was not until June 6, 2025, that USCIS issued a policy alert terminating the SIJS Deferred Action Policy altogether.¹ USCIS similarly terminated the deferred action policy for stateless individuals on June 5, 2025.² USCIS published the proposed Form G-325A on May 29, 2025, more than six weeks after the agency had effectively terminated the SIJS Deferred Action policy in practice and mere days before announcing the terminations of both programs in the USCIS policy manual. This violates the Paperwork Reduction Act, which mandates a 60-day comment period, agency consideration of comments received, and then a 30-day second comment period before any changes are enacted.³

The proposed form G-325A also eliminates the category of deferred action for DALE recipients. We note with condemnation that the agency appears to have eliminated DALE without notifying the public, but rather by removing information from the USCIS and DOL websites.⁴ These changes, even taken together, cannot be construed as meaningful notice to the public that DALE had been terminated. DALE was first implemented in 2023 and since that time, hundreds of immigrant workers have come forward to assist the federal government in investigations of unfair labor practices and received protection from removal and work authorization. As it stands now, these workers are no longer able to apply for DALE, but the lack of notice of the program's termination runs the risk that the public may not be aware that DALE is no longer in effect. Those who do not have notice of the termination could still apply for the program, which would expose them to an administration whose sole focus appears to be detaining and deporting as many immigrants as possible. The lack of transparency and conflicting information available to the public is unconscionable when a person's liberty is at stake, as is the case for workers who applied for DALE over the course of the last two years. The notice and comment period for the proposed form is not sufficient to advise the public of the intended status of the DALE program. This attempt by the administration to dictate drastic policy change via form updates is impermissible under the PRA.⁵

¹ USCIS Policy Alert, *Special Immigrant Juvenile Classification and Deferred Action*, PA-2025-07 (June 6, 2025), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250606-SIJDeferredAction.pdf>.

² USCIS Policy Alert, *Rescission of the USCIS Statelessness Policy*, PA-2025-06 (June 5, 2025), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250605-StatelessnessRescission.pdf>.

³ 5 CFR § 1320.8(d)(1).

⁴ USCIS, *DHS Support of the Enforcement of Labor and Employment Laws*, Jan. 24, 2025, <https://www.uscis.gov/archive/dhs-support-of-the-enforcement-of-labor-and-employment-laws>; U.S. Dept. of Labor, Statement of DOL Interest/Prosecutorial Discretion, <https://www.dol.gov/agencies/oasp/resources/prosecutorial-discretion>.

⁵ The PRA is designed to ensure that forms do not overburden the public and that there is transparency into the types of information that an agency is collecting. See U.S. Office of Personnel Management, *Paperwork Reduction Act (PRA) Guide* (April 2011); U.S. General Services Administration, U.S. Office of Information and Regulatory Affairs (OIRA), U.S. Office of Management and Budget (OMB), *A Guide to the Paperwork Reduction Act* (2019) <https://pra.digital.gov/>. The PRA does not contemplate the changing of federal policy through form changes.

USCIS Did Not Provide a Reason for the Form Changes, Yet They Will Cause Severe Harm to Those Who Rely on these Policies.

USCIS provided no reason for the changes to Form G-325A. Simultaneously, USCIS eliminated consideration of three deferred action programs with no justification, stating only that it was publishing the proposed form changes to comply with the Paperwork Reduction Act. Yet, the purpose of the Paperwork Reduction Act (PRA) is to reduce the burden of filing paperwork on both the federal government and its constituents.⁶ Forms issued by the Government are supposed to benefit, not burden the public.⁷ Despite this requirement, the revisions to Form G-325A, along with USCIS's stated decision to terminate deferred action for SIJS and statelessness, and implied termination of DALE, will cause grave harm to the communities affected.

Deferred action has been a lifeline for stateless individuals who often have no other recourse or ability to obtain permanent status simply by virtue of the fact that they are stateless. Individuals become stateless through changes in nationality laws, discrimination, and geopolitical upheavals. The assumptions of USCIS that stateless individuals are dangerous and require heightened scrutiny are not based on any evidence and are simply an exercise in prejudice. The removal of the ability to apply for deferred action on Form G-325A as well as the statelessness guidance in the USCIS Policy Manual removes the thin layer of protection that deferred action and adjudicator guidance provided to this vulnerable population. The 2023 guidance provided by the previous administration acknowledged the precarious nature of statelessness and the vital need for these individuals to access protection. Deferred action for stateless individuals was a much-needed solution in recognition of a longstanding problem. In the two years since the statelessness deferred action policy was put in place, stateless individuals have acted in reliance on previous USCIS policy, provided extensive personal information, and in some cases terminated immigration proceedings.

Similarly, DALE recipients have come forward to expose labor violations, to which immigrant workers are particularly vulnerable. DALE allowed these workers to obtain work authorization while also providing assistance to the government in stopping employers who violate labor laws. In implementing the program, DHS recognized the importance of deferred action to protect workers and that programs like DALE "increase[] the ability of labor and employment agencies to more fully investigate worksite violations and support them in fulfilling their mission and holding abusive employers accountable."⁸

SIJS youth have also come to rely on the benefits provided by deferred action and work authorization, allowing affected youth to more readily participate in civic life with their peers and thrive in the United States while they wait for permanent status. Young people receive grants of SIJS only after satisfying a set of "rigorous, congressionally defined eligibility criteria," including having been placed by a juvenile court in the custody or guardianship of a U.S.-residing caregiver and having received a determination from a state juvenile court that it is not in their best interest to be returned to their country of origin. USCIS is abandoning these young people—who are eligible for permanent immigration status—without any defensible justification. The Department of Homeland Security claims that "President Trump and Secretary Noem take their responsibility to protect children seriously and will continue to

⁶ *Id.* § 1320.5(e). 44 U.S.C. § 3501.

⁷ PRA, 44 U.S.C. § 3501.

⁸ DHS, DHS Support of the Enforcement of Labor and Employment Laws (Last Updates Jan. 24, 2025), <https://www.uscis.gov/archive/dhs-support-of-the-enforcement-of-labor-and-employment-laws>.

work with federal law enforcement and the Department of Health and Human Services to ensure that children are safe from abuse, sexual exploitation, and trafficking.”⁹ However, the Administration’s actions do just the opposite and leave young people with SIJS open to exploitation of all kinds.

These communities are similarly situated in their vulnerability and the removal of the critical lifeline of deferred action for these populations puts a target on their backs and decimates any safety or security they may have had under these policies. This change was done without notice and without a consideration of the reliance interests of these groups and should be rescinded immediately.

Without Deferred Action, These Individuals Are at Risk of Detention and Deportation.

The abrupt policy changes eliminating deferred action will lead to the detention and removal of increasing numbers of SIJS youth, workers, and stateless individuals. These devastating consequences may derail their lives and, in the case of young people with SIJS, directly contradict Congress’s intent to protect these young people and ensure they can safely remain in the United States while pursuing permanent residency. Without the protection from deportation conferred by deferred action, recipients are left vulnerable to the Trump administration’s overreaching enforcement tactics.

Young people with SIJS are at risk of being removed from their court-appointed caregivers and returned to the very country that a juvenile court judge and USCIS have determined is not in their best interest to be returned.¹⁰ This is no far-fetched scenario—under the current administration, DHS has increasingly arrested, detained, and advocated for the removal of SIJS youth in immigration court, and has actually removed numerous young people with pending or approved SIJS who lacked deferred action. Similarly, before the 2022 SIJS Deferred Action Policy was implemented, DHS during the first Trump administration routinely pursued removal orders against SIJS youth simply because they were waiting for a visa to adjust their status to lawful permanent residents.¹¹ ILRC strongly disagrees with the Department’s view that adjustment-eligible SIJS youth can be removed while they await a visa. However, in light of the government’s incorrect position, deferred action is necessary to protect SIJS youth. Eliminating deferred action effectively nullifies the legal rights granted under the SIJS statute by making it impossible for eligible youth to remain in the U.S. long enough to adjust status. Recognizing a young person’s need for protection under SIJS while simultaneously removing them to the conditions that were found not to be in their best interests is both morally indefensible and legally contradictory.

Stateless individuals are similarly at risk. Prior to the deferred action policy implementation in 2023, stateless individuals struggled to obtain documentation and engage fully in their lives in the United States, with little recourse to leave the country. Given the Trump administration’s stated commitment to mass immigration enforcement and directive to arrest and remove as many individuals as possible, stateless individuals are particularly vulnerable because of their inability to obtain identity documentation. In an era where federal officials are summarily detaining

⁹ DHS Press Release, “DHS Sweeps into Action to Protect Child from Tren de Aragua Parents” (Apr. 26, 2025), <https://www.dhs.gov/news/2025/04/26/dhs-sweeps-action-protect-child-tren-de-aragua-parents>.

¹⁰ Dalia Castillo-Granados, *A Long Wait for Special Immigrant Juveniles Means a Risk of Deportation* (American Bar Association, Feb. 23, 2021), https://www.americanbar.org/groups/public_interest/immigration/generating_justice_blog/a-long-wait-for-special-immigrant-juveniles-means-a-risk-of-depo/.

¹¹ See, e.g., Rachel Leya Davidson & Laila Hlass, *Any Day They Could Deport Me*, at 21 (Nov. 2021), <https://static1.squarespace.com/static/5fe8d735a897d33f7e7054cd/t/61a7bceb18795020f6712eff/1638382830688/Any+Day+They+Could+Deport+Me+-+Over+44%2C000+Immigrant+Children+Trapped+in+the+SIJS+Backlog+%28FULL+REPORT%29.pdf>.

and removing people to third countries to which they have no ties, stateless individuals are at heightened risk to be stranded in a country where they have no ties with no ability to rectify their situation.

With an increase in worksite raids,¹² DALE recipients are also particularly vulnerable to enforcement. The nature of the DALE program required individuals to come forward with reports of labor violations, which necessarily exposed companies that employed undocumented workers in violation of the law. These workers stepped forward to assist the government with the enforcement of labor laws but this also provides the current administration with a list of employers who hire immigrant workers. Given the administration's commitment to detaining and deporting as many people as possible, any focus on employers violating labor laws appears to have taken a backseat to the arrest of workers.¹³ DALE recipients are particularly vulnerable as they provided their and their employer's information to the federal government in order to receive deferred action and now could be targets for enforcement.

Given the agency's insufficient consideration of the reliance interests of the affected groups, the proposed form and accompanying policy manual updates should be rescinded.

The termination of SIJS Deferred Action Will Harm Children

While the rescission of deferred action policies will harm all those who rely on them, the administration's abandonment of deferred action for SIJS youth is particularly insidious given the administration's stated commitment to protecting children.

A. The SIJS Policy Changes Terminating Protections for Abused, Abandoned, and Neglected Children Are Contrary to the Purpose and Intent of the SIJS Statute.

The rescission of SIJS Deferred Action Policy undermines the fundamental purpose of the SIJS provisions of the Immigration and Nationality Act (INA), enacted in 1990, to protect children who have suffered parental maltreatment and who would face harm if deported to their country of origin.¹⁴ The legislative history surrounding SIJS reflects the purpose of the statute to protect young people because "of their age and the impracticability of deportation."¹⁵

Despite Congressional intent, a now years-long visa backlog prevents SIJS recipients from achieving the permanent protection Congress intended for them in a timely manner.¹⁶ Until the creation of the SIJS Deferred Action Policy in May 2022, SIJS recipients were unable to access work authorization and were vulnerable to deportation despite

¹² Lydia DePillis and Ernesto Londoño, *Trump Targets Workplaces as Immigration Crackdown Widens*, The New York Times (June 7, 2025), <https://www.nytimes.com/2025/06/07/us/trump-immigration-raids-workplaces.html>.

¹³ Marianne LeVine, Lauren Kaori Gurley, and Aaron Schaffer, *ICE is arresting migrants in worksite raids. Employers are largely escaping charges.*, The Washington Post (June 30, 2025), <https://www.washingtonpost.com/immigration/2025/06/30/ice-raids-arrests-workers-companies/>

¹⁴ 8 U.S.C. § 1101(a)(27)(J)(ii). SIJS recipients applying for adjustment of status are considered "to have been paroled into the United States." 8 U.S.C. § 1255(h)(1).

¹⁵ Special Immigrant Status for Alien Foster Children: Joint Hearings on S. 358, H.R. 672, H.R. 2448, H.R. 2646, and H.R. 4165 Before the Subcommittee on Immigration, Refugees and International Law of the House Committee of the Judiciary, and the Immigration Task Force of the House Education and Labor Committee, 101st Cong. 614 (1990) (statement of Mark Tajima, Legislative Analyst, Chief Administrator Officer, County of Los Angeles, CA).

¹⁶ See, e.g., Rachel Davidson, Laila Hlass, Katie Leiva & Gabriela Cruz, *False Hopes: Over 100,000 Immigrant Youth Trapped in the SIJS Backlog* (2023), <https://static1.squarespace.com/static/5fe8d735a897d33f7e7054cd/t/656a48a3f02597441a4cbf95/1701464285675/2023-false-hopes-report.pdf>.

both a juvenile court and DHS having affirmed their need for protection. USCIS created the SIJS Deferred Action Policy to further Congressional intent and remedy the impacts of the unforeseen SIJS visa backlog by protecting SIJS youth who were in a legal limbo for years and unable to access permanent protection merely due to a visa backlog out of their control.¹⁷

Congress likely did not envision that SIJS petitioners would have to wait years before a visa became available, since for many years after implementation of the program, SIJs did have visas immediately available. Deferred action and related employment authorization will help to protect SIJs who cannot apply for adjustment of status solely because they are waiting for a visa number to become available. This process furthers congressional intent to provide humanitarian protection for abused, neglected, or abandoned noncitizen children for whom a juvenile court has determined that it is in their best interest to remain in the United States.¹⁸

Since May 2022, young people with approved SIJS petitions who are awaiting a visa to apply for lawful permanent resident status have been protected from deportation and afforded work authorization through the SIJS Deferred Action Policy, which has likely benefited well over 100,000 SIJS youth.

Under the SIJS Deferred Action Policy, one particularly strong positive factor that weighed heavily in favor of granting deferred action was that the person had an approved Form I-360 and would be eligible to adjust status as soon as a visa became available. The eligibility criteria for SIJS were also considered strong positive factors.¹⁹ When USCIS approved a young person's SIJS petition, it automatically considered them for a 4-year, renewable, grant of deferred action if they lacked an available visa due to the SIJS visa backlog. In 2024, USCIS amended Form G-325A, a form used to request deferred action, to benefit SIJS youth by creating an SIJS-specific category on the form. USCIS explained that SIJS youth whose deferred action grants were expiring in 150 days or fewer could use the form to request a renewal of their deferred action; the form could also be used for young people with approved SIJS petitions to seek initial consideration for deferred action, if for some reason they did not have a deferred action adjudication contemporaneously with their SIJS petition approval notice. Thousands of SIJS youth have deferred action expiration dates of May 2026, and thus, they were counting on using the Form G-325A process to apply for renewal starting in December 2025.

By terminating the SIJS Deferred Action Policy through both the June 6 Policy Manual Update and the proposed Form G-325A revisions, USCIS is stripping SIJS recipients of protection from deportation and labor exploitation and violating the humanitarian purpose of the U.S. Congress in establishing SIJS.

- B. The Ability to Obtain Employment Authorization Protects Youth Against Labor Exploitation, Permits Youth to Seek Careers and Post-Secondary Education, and Enables Youth to Access Essential Social Services That Require Government-Issued Identification.

Deferred action provides SIJS youth with protection from deportation, as well as access to an employment authorization document (EAD). Access to EADs not only allows SIJS recipients to work lawfully and earn money to survive and thrive, but it also protects them from labor exploitation as they await available visas to apply for adjustment of status. Granting deferred action to noncitizens who would otherwise be ineligible for work

¹⁷USCIS Policy Alert, Special Immigrant Juvenile Classification and Deferred Action, PA-2022-10 (Mar. 7, 2022), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20220307-SIJAndDeferredAction.pdf>.

¹⁸*Id.* at 1.

¹⁹ 6 USCIS-PM J.4(G)(2).

authorization “helps encourage exploited workers to come forward, thereby allowing for the vigorous enforcement of labor and employment laws.”²⁰

EADs also enable SIJS recipients to begin careers and fund post-secondary education, rather than remain idle for years as they await adjustment of status.²¹ Without an EAD, aspirations for college are frequently put on hold because youth have no ability to fund college, nor access to federal or state aid (except in a few states). The ability to enter the workforce lawfully also opens incalculable opportunities for youth who are often left behind as their peers’ progress in their transition to adulthood. One study found that “the workplace offered strong avenues for integration as well as potential mentors.”²² Finally, EADs allow children and youth to access essential social services that require government-issued identification.²³

Less than one year ago, the Department of Homeland Security (DHS) recognized the importance of “mitigating uncertainty about continued employment authorization for renewal applicants” and increased the automatic extension periods of certain EADs.²⁴ USCIS also has acknowledged that Congress envisioned SIJS recipients as ready candidates for permanent residency, lawfully permitted to work.²⁵ Yet, the SIJS policy changes completely frustrate that vision, placing over 100,000 SIJS youth in danger of exploitation.

Conclusion

For all of the foregoing reasons, ILRC urges USCIS to reinstate deferred action policies for SIJS youth, stateless individuals and DALE recipients and maintain Form G-325A as it currently stands.

Sincerely,

Rachel Prandini
Managing Attorney
Immigrant Legal Resource Center

Elizabeth Taufa
Sr. Policy Attorney and Strategist
Immigrant Legal Resource Center

Miosotti Tenecora
Staff Attorney
Immigrant Legal Resource Center

²⁰Lori A. Nessel, *Undocumented Immigrants in the Workplace: The Fallacy of Labor Protection and the Need for Reform*, 36 Harv. Civ. Rights-Civ. Liberties L. Rev. 345, 389 (2001).

²¹Kids in Need of Defense (KIND), *Left in Limbo: Why Special Immigrant Juveniles Need Employment Authorization* (January 2022), <https://supportkind.org/wp-content/uploads/2022/01/SIJS-EAD-Brief-1.10.21-FINAL.pdf>.

²²Luis Edward Tenorio, *Special Immigrant Juvenile Status and the Integration of Central American Unaccompanied Minors*, The Russell Sage Foundation Journal of the Social Sciences, Vol. 6, No. 3, The Legal Landscape of U.S. Immigration in the Twenty-First Century (November 2020), at 172, 184.

²³KIND, *Left in Limbo: Why Special Immigrant Juveniles Need Employment Authorization*, at 1 (explaining that “an EAD not only allows SIJS youth to obtain lawful employment, in many cases it is the sole available form of government-issued identification that may be used to access essential social services and benefits.”)

²⁴DHS, *Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Employment Authorization Document Renewal Applicants*, 89 Fed. Reg. 101208, 101266 (Dec. 13, 2024), <https://www.federalregister.gov/documents/2024/12/13/2024-28584/increase-of-the-automatic-extension-period-of-employment-authorization-and-documentation-for-certain>.

²⁵USCIS Policy Alert, *Special Immigrant Juvenile Classification and Deferred Action*, PA-2025-07 (June 6, 2025), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250606-SIJDeferredAction.pdf>.