



EXECUTIVE DIRECTOR

Eric Cohen

San Francisco

Washington, D.C.

San Antonio

Houston

ilrc@ilrc.org  
www.ilrc.org



July 16, 2025

Submitted via email to [policyfeedback@uscis.dhs.gov](mailto:policyfeedback@uscis.dhs.gov)

**Re:** Feedback from ILRC on Policy Manual Updates Regarding SIJS Deferred Action, USCIS Policy Manual Vol. 6, Pt. J, Ch. 4.G

Dear USCIS,

The Immigrant Legal Resource Center (ILRC) submits the following comment in strong opposition the Policy Manual changes and accompanying Policy Alert that USCIS issued on June 6, 2025, which ends the SIJS Deferred Action Policy. Because the proposed Form G-325A (OMB Control Number 1615-0008) and the USCIS Policy Manual changes eliminate SIJS deferred action, this comment will address the harmful impact of both and refer to them collectively as “the SIJS policy changes.” The SIJS policy changes eliminate deferred action and work authorization for SIJS-approved youth, putting them in danger of labor exploitation and deportation. These policy changes will cause serious and lasting harm to children and youth, jeopardizing the well-being of the very young people Congress sought to protect.

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 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 – including children and young people – and low-income communities of color. It is through this lens that we provide the following comment on these SIJS policy changes.

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

ILRC strongly opposes the SIJS policy changes, as they undermine 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.<sup>1</sup> Congress’s purpose in creating SIJS was to afford vulnerable immigrant children who survived various forms of abuse, abandonment, or neglect from a parent a means to reside safely in the United States and ultimately obtain permanent resident status, giving them the permanency and stability they need to progress in their young lives.

Young people receive grants of SIJS only after satisfying a set of “rigorous, congressionally defined eligibility criteria,”<sup>2</sup> 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. A child is granted SIJS only after DHS has exercised its statutory consent function,<sup>3</sup> thereby endorsing the juvenile court’s conclusion that the child should not be returned to their country of origin. USCIS has recognized the statute’s protective purpose, stating in the Policy Manual that Congress “created the special immigrant juvenile (SIJ) classification to provide humanitarian protection for abused, neglected, or abandoned alien children.”<sup>4</sup> The legislative history surrounding SIJS reflects the purpose of the statute to protect young people because “of their age and the impracticability of deportation.”<sup>5</sup>

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.<sup>6</sup> 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 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.<sup>7</sup> In enacting the policy, USCIS stated,

Congress likely did not envision that SIJ 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

---

<sup>1</sup>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).

<sup>2</sup>*Osorio Martinez v. Att’y Gen. U.S.*, 893 F.3d 153, 163 (3d Cir. 2018).

<sup>3</sup>8 U.S.C. § 1101(a)(27)(J)(iii).

<sup>4</sup>6 USCIS-PM J.1.

<sup>5</sup>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).

<sup>6</sup>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>.

<sup>7</sup>USCIS, *Policy Alert, Special Immigrant Juvenile Classification and Deferred Action*, (Mar. 7, 2022),

<https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20220307-SIJAndDeferredAction.pdf>.

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.<sup>8</sup>

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.<sup>9</sup> 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.

**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 authorization “helps encourage exploited workers to come forward, thereby allowing for the vigorous enforcement of labor and employment laws.”<sup>10</sup>

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.<sup>11</sup> 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

---

<sup>8</sup>*Id.* at 1.

<sup>9</sup> 6 USCIS-PM J.4(G)(2).

<sup>10</sup>Lori 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).

<sup>11</sup>Kids 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>.

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.”<sup>12</sup> Finally, EADs allow children and youth to access essential social services that require government-issued identification.<sup>13</sup>

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.<sup>14</sup> USCIS also has acknowledged that Congress envisioned SIJS recipients as ready candidates for permanent residency, lawfully permitted to work.<sup>15</sup> Yet, the SIJS policy changes utterly undermine that vision, exposing more than 100,000 SIJS youth to heightened risks of exploitation and harm.

### **Without Deferred Action, SIJS Youth Are at Risk of Detention and Deportation.**

The abrupt SIJS policy changes eliminating deferred action will lead to the detention and removal of increasing numbers of SIJS youth. These devastating consequences may derail their lives and directly contradict Congress’s intent to protect these young people and ensure they can safely remain in the United States while pursuing permanent residency. A youth approved for SIJS is a child who has been found by two governmental entities – a state family or juvenile court AND USCIS – to be a child that has been abused, neglected, and/or abandoned by at least one parent and for whom it is not safe to return to their country of origin. Yet, USCIS is now abandoning these young people without any defensible justification.

DHS claims that “President Trump and Secretary Noem take their responsibility to protect children seriously and will continue to 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.”<sup>16</sup> However, it is impossible to reconcile these claimed goals with the termination of the SIJS Deferred Action Policy.

Without the protection from deportation conferred by deferred action, SIJS recipients are at risk of being removed from the United States, away from their court-appointed caregivers and to the very country that a juvenile court judge and USCIS have determined is not in their best interest to be returned.<sup>17</sup> This is no far-fetched scenario—

---

<sup>12</sup>Luis 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.

<sup>13</sup>KIND, *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.”)

<sup>14</sup>DHS, *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>.

<sup>15</sup>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>.

<sup>16</sup>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>.

<sup>17</sup>Dalia Castillo-Granados, *A Long Wait for Special Immigrant Juveniles Means a Risk of Deportation* (American Bar Association, Feb. 23, 2021),

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 during the first Trump administration, DHS routinely pursued removal orders against SIJS youth simply because they were waiting for a visa to adjust their status to lawful permanent residents.<sup>18</sup> While ILRC strongly disagrees with the Department's view that adjustment-eligible SIJS youth can be removed while they await a visa, 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 they were found to be unsafe in is both morally indefensible and legally contradictory.

### **Conclusion**

For all of the foregoing reasons, ILRC urges USCIS to reinstate the SIJS Deferred Action Policy and maintain Form G-325A as it currently stands.

Sincerely,  
Rachel Prandini  
Managing Attorney  
Immigrant Legal Resource Center

Miosotti Tenecora  
Staff Attorney  
Immigrant Legal Resource Center

---

[https://www.americanbar.org/groups/public\\_interest/immigration/generating\\_justice\\_blog/a-long-wait-for-special-immigrant-juveniles-means-a-risk-of-depo/](https://www.americanbar.org/groups/public_interest/immigration/generating_justice_blog/a-long-wait-for-special-immigrant-juveniles-means-a-risk-of-depo/).

<sup>18</sup>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>.