COMMUNITY ALERT

SIJS ADJUSTMENT OF STATUS IN OCTOBER 2026

Who can file now? What are some considerations?

OCTOBER 2026

NOTE

THE ADVICE AND CONSIDERATIONS IN THIS COMMUNITY EXPLAINER IS ALSO APPLICABLE FOR THE MONTH OF NOVEMBER 2026. THE U.S. DEPARTMENT OF STATE (DOS) HAS PUBLISHED THE NOVEMBER 2026 VISA BULLETIN AND USCIS IS ALLOWING THE DATES FOR FILING CHART FOR THE MONTH OF OCTOBER. SEE BELOW FOR MORE DETAILS ON WHAT THIS MEANS.

For young people with Special Immigrant Juvenile Status (SIJS) and their families, the wait to get a green card has felt like a guessing game. To be eligible to adjust status, the SIJS petition, Form I-360, needs to have a current priority date on the U.S. Department of State's (DOS) visa bulletin. The priority date is listed on your Form I-360 petition receipt and approval notice. It is the date that the U.S. Citizenship and Immigration Services (USCIS) received your initial Form I-360 petition. The visa bulletin is a chart from the DOS. Each month the DOS publishes a new visa bulletin that determines visa availability (green card availability) for that month and year. Within the visa bulletin there are two charts, a "Final Action Dates" and a "Dates for Filing" chart and each month USCIS determines which chart you can use in each month. See below for more.

Visas for SIJS come from the employment-based 4th preference category. This category has had a worsening backlog for the past decade, causing long delays for SIJS youth to be able to file for their green cards. However, in the October 2026 visa bulletin, USCIS announced a significant jump in the visa bulletin allowing many SIJS youth to file their adjustment of status application during the month of October. **This jump, however, does**

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not mean, your green card application can be decided now. There is a difference between being able to file, and a visa being available so that USCIS can decide your application. See below for more. This community explainer will discuss who can apply for SIJS-based adjustment during the month of October, what that means for an expected timeline, and considerations in deciding whether to apply.

HOW DO I KNOW WHICH CHART USCIS ALLOWS SIJS ADJUSTMENT APPLICANTS TO USE IN A GIVEN MONTH?

Every month, you can check the USCIS website to see if USCIS allows you to use Chart B (to file your adjustment application before there is a visa available under Chart A) for the current month.

- When you open the link, scroll down to "Current Month's Adjustment of Status Filing Chart." Then check under "For Employment-Based Preference Filings" to see which chart you must use in the given month. This is what that section looks like this month (October 2026):

> *For Employment-Based Preference Filings:*
> For all employment-based preference categories, you must use the Dates for Filing chart in the Department of State Visa Bulletin for October 2026.

- If the USCIS website says you can use the "Dates for Filing" chart (Chart B) for the relevant month, then you can rely upon Chart B and may be able to file your adjustment of status application (Form I-485) even though a visa is not yet available under Chart A. For example, as you can see above, in October 2026, USCIS is allowing filing under Chart B, even though a visa is not yet available.
- If the USCIS website says you must use the "Final Action Dates" chart (Chart A), then you cannot rely on Chart B, and must use Chart A. If USCIS is only allowing filing under Chart A, then you cannot file your I-485 unless your priority date is

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1) earlier than the date that appears in the employment-based 4th preference category for your country of origin, or 2) current, as reflected by a "C" appearing in the 4th preference category for your country of origin (which has not happened for many months).

WHO CAN APPLY FOR SIJS-BASED ADJUSTMENT OF STATUS NOW, DURING THE MONTH OF OCTOBER?

In October 2026, Special Immigrant Juveniles whose priority date is before January 1, 2025, can file their application for adjustment of status based on SIJS. This is because for the month of October, USCIS is allowing SIJS adjustment applicants to use the "Dates for Filing" chart (Chart B). However, this doesn't mean that USCIS can decide your application now.

Currently, only Special Immigrant Juveniles whose priority date is before December 15, 2022 can have their adjustment of status applications decided, because only they have a visa available at this time. This visa availability date (before December, 15, 2022) comes from the "Final Action Dates" chart (Chart A) in the visa bulletin.

> **For example:** Hanah filed her SIJS petition (Form I-360) in August of 2023. Her priority date (listed on her I-360 receipt and approval notices) is August 18, 2023. She has been waiting since that time to file her application for adjustment of status so she can get a green card. She is not in removal proceedings.
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> *Can Hanah file her application for adjustment of status in October 2026?* Yes, because Hanah's priority date is earlier than January 1, 2025 (the date listed in the EB-4 category in Chart B), she can file her application for adjustment of status with USCIS this month.
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> *Can USCIS decide Hanah's application and grant her a green card in October 2026?* No, because Hanah's priority date is not earlier than December 15, 2022 (the date listed in the EB-4 category in Chart A).

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Should Hanah file her application for adjustment now? It depends. Hanah will need to discuss and weigh the risks and benefits based on her unique circumstances. Every case is different. She should first speak with her attorney or U.S. Department of Justice (DOJ) accredited representative and then make an informed decision on whether to apply.

HOW LONG WILL IT TAKE FOR USCIS TO PROCESS MY ADJUSTMENT OF STATUS APPLICATION?

We don't know. According to the USCIS Case Processing Times website, 80% of employment-based adjustment applications are being completed in 42.5 months. This, however, is for cases where a visa is currently available and USCIS can decide the case. There's no telling when a visa will become available in your case since it depends on your priority date (when USCIS received your initial Form I-360 petition) and when that priority date becomes current under Chart A. We anticipate, based on the current processing times and visa backlog that it would be a few years, at least, before USCIS would be able to decide your adjustment of status application even if you are eligible to file within the month of October.

WHAT ARE THE BENEFITS OF APPLYING FOR ADJUSTMENT OF STATUS NOW?

One of the main benefits of applying for adjustment of status now under Chart B is that you can file an application for a work permit along with your application to adjust status. The hope is that you would get your work permit while you wait for a visa to be available. Many work permits based on SIJS deferred action expire within the coming years, and there is currently - as of the date of this Community Explainer - no way to renew them.

Another potential benefit is that having your application for adjustment on file could help protect you from detention or deportation, though this will depend on the specific circumstances of your case.

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For those who have waited a long time to apply for their green card through SIJS, there may be a sense of relief and emotional weight lifted to be able to apply. Given the potential risks of applying and the anticipated long wait before your green card application would be decided, we encourage you to speak with an attorney or DOJ accredited representative and carefully analyze your individual case.

WHAT ARE THE RISKS OF APPLYING FOR ADJUSTMENT OF STATUS NOW?

Filing your application for adjustment of status will give USCIS updated and new information about you. Filing the application also triggers a biometrics appointment (fingerprints and photos), which can alert immigration officials to any interactions you've had with law enforcement (arrests, charges, etc.). Certain criminal convictions will lead to denial of your green card, and USCIS can also deny green cards using its discretion, including when a Special Immigrant Juvenile has a criminal record. It also is possible that this information could lead to ICE trying to arrest and/or detain you.

Another potential risk is that USCIS could look back at your SIJS petition when it reviews the application for adjustment of status and decide to revoke the SIJS approval. If your SIJS approval is revoked, you will no longer qualify for a green card through SIJS - and you would be left in a vulnerable position if you don't have any other potential pathways to getting status. USCIS could consider many factors when it looks back at your SIJS petition, and their decision to revoke your SIJS approval is very hard to challenge or reverse.

It's also possible that filing the adjustment application could lead to ICE placing you in removal proceedings if you're not already. Removal proceedings take place before an immigration judge. You would have to defend against removal, often referred to as deportation. The risk here is that currently most immigration judges are not giving SIJS youth time to wait for their visa to be available. They are moving the immigration court case right along and if you have no relief available in immigration court, it is possible you

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could get a removal order even though you have a pending application for adjustment of status through SIJS. If USCIS revokes your SIJS approval, they could also place you in removal proceedings.

We don't know the likelihood of any of these specific things happening, but we do know that the federal government believes there is fraud in many SIJS applications and is looking for ways to deport SIJS youth.

ARE THERE ANY OTHER CONSIDERATIONS?

At the time you file your adjustment of status application you must also complete and submit a medical exam (Form I-693). If you are thinking of filing during October 2026, it's a good idea to check in with your attorney or DOJ accredited representative to see if they recommend a specific USCIS-designated doctor (known as a civil surgeon) and to contact the doctor to see whether they could have the medical exam completed in time so that you can file it with your adjustment of status application this month. Bring all of your vaccine records to the appointment. You may need additional vaccines and/or tests that could delay the completion of the medical exam.

There's also been updated guidance for USCIS officers and now they can deny any application that is incomplete at the time of filing without sending you a request for evidence or notice of intent to deny first. It is always best to be supported by an attorney or DOJ accredited representative, but this is truer now than ever. If your application were to be denied and you have no other lawful status, you will be referred to immigration court where you will have to defend yourself against being ordered removed.

WHAT SHOULD I DO?

Every case is different, and will depend on the specifics of your case, for example, whether you are in removal proceedings, whether you've had any contact with law enforcement, and other things like your immigration history. For guidance on your specific case, it is best to consult with your attorney or DOJ accredited representative.

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This guidance is tailored to those considering applying for adjustment of status this month, October 2026. It is possible that the dates in the visa bulletin could move backwards, or that USCIS will not allow filing under Chart B in November, making it so that many who are eligible to apply for adjustment this month may be prevented from doing so next month. If you don't yet have legal representation, visit ilrc.me/findhelp to find an attorney or DOJ accredited representative in your area.

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