



June 6, 2025

PA-2025-07

## Policy Alert

SUBJECT: Special Immigrant Juvenile Classification and Deferred Action

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to eliminate automatic consideration of deferred action (and related employment authorization) for aliens classified as Special Immigrant Juveniles (SIJs) who are ineligible to apply for adjustment of status to lawful permanent resident (LPR) status due to visa unavailability.

### Background

The SIJ classification is available to alien children subject to state juvenile court proceedings related to abuse, neglect, abandonment, or a similar basis under state law.<sup>1</sup> SIJ classification does not render an alien lawfully present, does not confer lawful status, and does not result in eligibility to apply for employment authorization. An alien classified as an SIJ, however, may seek to adjust status to that of an LPR based on the SIJ classification if the alien meets certain requirements. One of the requirements is that an immigrant visa be immediately available at the time of filing the adjustment of status application.<sup>2</sup>

On March 7, 2022, USCIS updated its policy guidance to provide that the agency will automatically consider granting deferred action on a case-by-case basis to aliens classified as SIJs who are ineligible to apply for adjustment of status solely due to unavailable immigrant visas.<sup>3</sup>

While Congress likely did not envision that SIJ petitioners would have to wait years before a visa became available, Congress also did not expressly permit deferred action and related employment authorization for this population. Neither an alien having an approved Petition for Amerasian, Widow(er), or Special Immigrant ([Form I-360](#)) without an immediately available immigrant visa available nor a juvenile court determination relating to the best interest of the SIJ are sufficiently compelling reasons, supported by any existing statute or regulation, to continue to provide a deferred action process for this immigrant category.

Therefore, USCIS has determined that this update is necessary to more closely align agency policies and procedures with statutory requirements and authorities. Further, this policy adheres to Executive

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<sup>1</sup> See [INA 101\(a\)\(27\)\(J\)](#). See [8 CFR 204.11](#).

<sup>2</sup> See [INA 245\(a\)](#) and [INA 245\(h\)](#). See [8 CFR 245.2\(a\)\(2\)\(i\)\(A\)](#).

<sup>3</sup> See [Special Immigrant Juvenile Classification and Deferred Action](#), PA-2022-10, issued March 7, 2022.

Order 14161, “Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats” (January 20, 2025)<sup>4</sup> and USCIS has determined it is in the national and public interest to revert to the policy prior to March 7, 2022.

This guidance confirms that USCIS will no longer consider granting deferred action on a case-by-case basis to aliens classified as SIJs who are ineligible to apply for adjustment of status solely due to unavailable immigrant visas. This update, contained in Volume 6 of the Policy Manual, is effective immediately and applies to aliens classified as SIJs before, on, or after that date based on an approved Form I-360. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

### **Policy Highlights**

- Provides that USCIS will no longer conduct deferred action determinations for aliens with SIJ classification who cannot apply for adjustment of status solely because an immigrant visa is not immediately available.
- Removes prior guidance stating USCIS will accept new Applications for Employment Authorization ([Form I-765](#)), under category (c)(14), from aliens with SIJ classification who have been granted deferred action by USCIS because they cannot apply for adjustment of status solely because an immigrant visa number is not immediately available.
- Explains that aliens with current deferred action based on their SIJ classification will generally retain this deferred action, as well as retain their current employment authorization provided based on this deferred action, until the current validity periods expire.
- Provides minor clarifications to the current policy on terminating SIJ deferred action and confirms that USCIS, within its discretion, may terminate deferred action and revoke any associated employment authorization prior to the end of the current validity period.

### **Summary of Changes**

Affected Section: Volume 6 > Part J > Chapter 4, Adjudication

- Revises Section G (Deferred Action) in its entirety.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

### **Citation**

Volume 6: Immigrants, Part J, Special Immigrant Juveniles, Chapter 4, Adjudication [[6 USCIS-PM J.4](#)].

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<sup>4</sup> This directs federal agencies to, in part, “vet and screen to the maximum degree possible all aliens who intend to be admitted, enter, or are already inside the United States.” This policy promotes this by ensuring that USCIS Fraud and National Security personnel, as well as adjudicating officers, are not unnecessarily restricted from considering potentially relevant information within a record.