



## FAQ on USCIS Policy Change Concerning SIJ Deferred Action

June 2025

On June 6, 2025, U.S. Citizenship and Immigration Services (USCIS) issued policy guidance eliminating automatic consideration of deferred action and related employment authorization for those classified as Special Immigrant Juveniles (SIJs). This resource highlights the key policy changes and implications for impacted SIJ youth and practitioners seeking to advocate on their behalf.

### **How has USCIS changed its policy on SIJ Deferred Action and related Form I-765 applications for employment authorization under category (c)(14)?**

On June 6, 2025, USCIS issued policy guidance eliminating automatic consideration of deferred action and related employment authorization for those classified as Special Immigrant Juveniles (SIJs). Under the prior policy dating back to 2022, USCIS had automatically considered granting deferred action on a case-by-case basis to SIJs who were unable to apply for lawful permanent residence solely due to the unavailability of immigrant visas under the EB-4 category. Those who benefited from the prior policy received a grant of deferred action for a period of four years and were eligible to file Form I-765, Application for Employment Authorization, under category (c)(14).

Under the new policy guidance, USCIS will no longer accept *new* Form I-765 applications under category (c)(14) from anyone granted SIJ deferred action.

Those who were previously granted SIJ deferred action under the prior USCIS policy will generally retain deferred action and any related category (c)(14) employment authorization until the current validity period expires. However, upon expiration of these benefits, these individuals will be ineligible for a renewed period of SIJ deferred action or employment authorization on that basis.

Furthermore, the recent policy guidance provides that USCIS reserves the right to exercise discretion **at any time** to terminate prior grants of SIJ deferred action or revoke any associated employment authorization prior to the end of the current validity period(s).

This policy change is effective immediately and the [USCIS Policy Manual](#) has been updated accordingly.

**Does this policy change affect Form I-765 applications that were pending prior to the new policy's effective date?**

The new policy guidance on SIJ deferred action does not indicate how USCIS will handle Form I-765 applications that were pending prior to the new policy becoming effective. Even if USCIS grants employment authorization in these situations, both deferred action and employment authorization may be subject to termination at any time. Importantly, practitioners are reminded that to the extent USCIS denies any pending applications, under the new [Notice to Appear \(NTA\) policy guidance](#), USCIS can issue an NTA if the applicant is not already in removal proceedings and is found to be unlawfully present in the United States.

**If USCIS terminates an applicant's SIJ-related deferred action, is this decision appealable or subject to any motion to reopen or reconsider?**

No. Anecdotally, even under the prior policy, if USCIS terminates SIJ deferred action, this decision is not generally appealable or subject to any motion to reopen or reconsider. While a practitioner may try to informally advocate against termination, this strategy is unlikely to lead to a reinstatement of SIJ deferred action.

**If a client was granted SIJ deferred action but did not apply for a (c)(14) category employment authorization before the policy change, does the client still have SIJ deferred action?**

Yes. Unless USCIS affirmatively terminates SIJ deferred action, an individual previously granted SIJ deferred action retains deferred action through the end of the current validity period indicated on the deferred action approval notice.

**For those who have valid SIJ deferred action and any associated employment authorization, does this offer protection from becoming subject to immigration enforcement or removal?**

Not necessarily. Although a prior grant of deferred action generally provides certain protection from removal, this protection only exists while the deferred action is still in effect. However, under both the prior and current policies, deferred action can be terminated at any time, making an individual vulnerable to both immigration enforcement and removal.<sup>1</sup>

**Why is the recent policy change on SIJ deferred action consequential?**

Individuals with approved SIJ classification must wait for a visa to become available in the significantly backlogged EB-4 category. Although there is no way to precisely calculate how long it might take for a visa to become available under this category, the wait could be as long as 15-20 years. Why? As of [December 2024](#), there were 182,170 individuals awaiting visa availability in the EB-4 category. Pursuant to INA § 203(b)(4), the annual limit for EB-4 visas is 7.1 percent of the worldwide employment limit. Under INA § 201(d)(1)(A), the worldwide level of employment-

---

<sup>1</sup> Outside of the SIJ deferred action context, there have been reports of arrests of individuals with deferred action, particularly those with deferred action as a result of a bona fide determination of their eligibility for U nonimmigrant status. It is not clear whether deferred action was terminated prior to arrest in those cases.

based visas is capped at 140,000 per fiscal year, plus the number of any unused family-based visas. Assuming there are no unused family-based visas in a given year, there may only be 9,940 visas available each year in the EB-4 category. Visa supply and demand and other fluctuations can cause the Visa Bulletin to move backward or forward each month at varying speeds, or remain frozen. As a result, although it is impossible to predict when a visa will become available, based on the current numbers, the wait for those in the EB-4 category will likely be lengthy. For an explainer breaking down the Visa Bulletin as it relates to SIJ and the EB-4 category, please refer to this [resource](#) created by the End SIJS Backlog Coalition.

Given the extent of the EB-4 visa category backlog, the recent policy change on SIJ deferred action will have devastating consequences for those awaiting visa availability based on SIJ classification and leave these children vulnerable not only to immigration enforcement and removal but also exploitation and trafficking.

The current administration has increased immigration enforcement actions across the country. As such, it is likely that clients granted SIJ classification will increasingly face enforcement and removal issues as they await a visa to become available.

Practitioners should consider rescreening SIJ clients for purposes of determining if they are eligible for any alternative relief. CLINIC's [screening tool](#) provides sample questions your program may consider using when screening individuals for immigration relief.

In addition, practitioners should provide clients with "[Know Your Rights](#)" materials and explain the risk and availability of relief if they were to be placed in expedited removal proceedings or in INA § 240 removal proceedings.

If your organization does not have an attorney or Fully Accredited Representative on staff to advise about removal defense, you may consider referring SIJ clients to an experienced removal defense practitioner who is authorized to advise about the options that may be available to an individual in removal proceedings.

Overall, clients who are in removal proceedings or have final removal orders, particularly those who are subject to reinstatement of removal under INA § 241(a)(5), will generally be more at risk of facing removal before their immigrant visa becomes available.

Removal defense practice has become increasingly challenging under the current administration. For example, with the expansion of expedited removal, termination or dismissal of removal proceedings based on a grant of SIJ classification may be risky if a client has not been present in the United States for at least two years. In addition, it has been reported that the Office of the Principal Legal Advisor, Immigration Customs and Enforcement (ICE OPLA), is moving to re-calendar cases that are administratively closed before the immigration courts, meaning that clients may need to face active removal proceedings again.

Practitioners representing SIJ clients in removal proceedings or advising about immigration enforcement may find the following resources helpful:

- [CLINIC: Draft Letters to Clients Regarding Immigration Enforcement \(English / Spanish\)](#)
- [CLINIC: Community Pointers: Enforcement in Immigration Court](#)
- [CLINIC: Practice Pointer: Opposing ICE Motions to Recalendar Administratively Closed Cases](#)
- [NIPNLG: Quick Guide: Defending SIJS Clients in Removal Proceedings](#)

### **How should I communicate with my clients about the recent policy change concerning SIJ Deferred Action?**

Practitioners are encouraged to communicate with their clients promptly, in a child-sensitive and trauma-informed manner. These communications may be difficult to navigate, particularly because of the increased uncertainty and fear clients are facing in the current climate. To help support SIJ youth impacted by the policy change, it may be useful to refer clients to a resource created by KIND: [“Navigating the Impact of the Rescission of Deferred Action for Special Immigrant Juvenile Status.”](#)

In certain cases, it may be warranted to provide a client with additional support by facilitating or providing referrals for purposes of mental health services, rent or housing assistance, education services, etc. If you are unable to provide direct referrals, you may consider referring them to their local school, community center, or other agencies that might provide these types of referrals.

### **Aside from direct representation, how can I advocate on behalf of impacted SIJ youth?**

If not already a member, you and your organization may consider joining the [End SIJS Backlog Coalition](#), a group that is advocating for an end to the backlog. This group is also monitoring implementation of the policy terminating SIJ deferred action. Practitioners are encouraged to provide feedback to the Coalition through the surveys linked below to share experiences with:

- [ICE enforcement against SIJS youth](#)
- [IJ removal orders against SIJS youth](#)
- [SIJS Deferred Action adjudications](#) (including non-adjudications and terminations)
- [Unusual or problematic issues with SIJS Deferred Action-Based EAD Applications](#)

### **OTHER RESOURCES**

- [CLINIC Responding to the New Administration Webpage](#)
- [End SIJS Backlog Coalition: Resources for Practitioners](#)
- [End SIJS Backlog Coalition: Youth Resources](#)
- [KIND: Policy Alert on Deferred Action for Special Immigrant Juveniles](#)
- [CILIA: A Toolkit for Navigating Difficult Conversations](#)