

USCIS Policy Manual

Current as of May 23, 2018

Volume 7 - Adjustment of Status

Part F - Special Immigrant-Based (EB-4) Adjustment

Chapter 7 - Special Immigrant Juveniles

A. Purpose and Background^[1]

Congress created the special immigrant juvenile (SIJ) classification when it enacted the Immigration Act of 1990 (IMMACT 90).^[2] Certain juveniles in the United States may be eligible for SIJ classification. Once classified as an SIJ, juveniles may be eligible to adjust status, if they meet all eligibility requirements.

B. Legal Authorities

- INA 101(a)(27)(J) – Special immigrant juveniles
- INA 203(b)(4) – Certain special immigrants
- INA 245; 8 CFR 245 – Adjustment of status of nonimmigrant to that of person admitted for permanent residence
- INA 245(h) – Application of adjustment provisions with respect to special immigrants
- 8 CFR 245.1(e)(3) – Special immigrant juveniles
- 8 CFR 204.11 – Special immigrant status for certain aliens declared dependent on a juvenile court (special immigrant juvenile)
- Section 153 of the Immigration Act of 1990 (IMMACT 90)^[3] – Special immigrant status for certain aliens declared dependent on a juvenile court
- Section 302 of the Miscellaneous and Technical Immigration and Nationality Amendments of 1991^[4].
- Section 113 of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act of 1998^[5].

- Section 235(d) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA)^[6]— Permanent protection for certain at-risk children

C. Eligibility Requirements

To adjust to lawful permanent resident (LPR) status as an SIJ, an applicant must meet the eligibility requirements shown in the table below.^[7]

SIJ-Based Adjustment of Status Eligibility Requirements	
Eligibility Requirement	Where can I find more information?
<p>The applicant must have been:</p> <ul style="list-style-type: none"> • Inspected and admitted into the United States; or • Inspected and paroled into the United States. 	<p>See Subsection 1, Inspected and Admitted or Inspected and Paroled [7 USCIS-PM F.7(C)(1)].</p>
<p>The applicant is physically present in the United States at the time of filing and adjudication of an adjustment application.</p>	<p>See Part A, Adjustment of Status Policies and Procedures [7 USCIS-PM A].</p>
<p>The applicant is eligible to receive an immigrant visa.</p>	<p>See Subsection 2, Eligibility to Receive an Immigrant Visa [7 USCIS-PM F.7(C)(2)].</p>
<p>The applicant has an immigrant visa immediately available when he or she files the adjustment of status application and at the time of final adjudication.</p>	<p>See Part A, Adjustment of Status Policies and Procedures, Chapter 3, Filing Instructions, Section B, Definition of “Properly Filed” [7 USCIS-PM A.3(B)] and Chapter 6, Adjudicative Review, Section C, Verify Visa Availability [7 USCIS-PM A.6(C)].</p>
<p>The applicant is not subject to any applicable bars to adjustment of status.</p>	<p>See Subsection 3, Bars to Adjustment [7 USCIS-PM F.7(C)(3)].</p>
<p>The applicant is admissible to the United States or eligible for a waiver of inadmissibility or other form of relief.</p>	<p>See Subsection 4, Admissibility and Waiver Requirements [7 USCIS-PM F.7(C)(4)].</p>
<p>The applicant merits the favorable exercise of discretion.</p>	<p>See Part A, Adjustment of Status Policies and Procedures, Chapter 10, Legal Analysis and Use of Discretion [7 USCIS-PM A.10] and Part B, 245(a) Adjustment [7 USCIS-PM B].</p>

1. Inspected and Admitted or Inspected and Paroled

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SIJs are not exempt from the general adjustment requirement that applicants be inspected and admitted or inspected and paroled.^[8] However, the INA expressly states that SIJs are considered paroled into the United States for purposes of adjustment under INA 245(a). Accordingly, the beneficiary of an approved SIJ petition is treated for purposes of the adjustment application as if the beneficiary has been paroled, regardless of his or her manner of arrival in the United States.^[9]

2. Eligibility to Receive an Immigrant Visa.^[10]

An applicant must be eligible to receive an immigrant visa to adjust status.^[11] An adjustment applicant typically establishes eligibility for an immigrant visa through an approved immigrant petition. An SIJ can establish eligibility for an immigrant visa by obtaining classification from USCIS by filing an SIJ-based Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360) (SIJ petition).^[12]

Therefore, in order for an SIJ-based adjustment applicant to be eligible to receive an immigrant visa, he or she must be one of the following:

- The applicant is the beneficiary of an approved Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360) classifying him or her as an SIJ;
- The applicant has a pending Form I-360 (that is ultimately approved); or
- The applicant is filing the adjustment application concurrently with the Form I-360 (and the Form I-360 is ultimately approved).

Verifying the Underlying Basis to Adjust Status and Determining Ongoing Eligibility.^[13]

The SIJ petition should already be adjudicated and approved when the officer adjudicates the adjustment application. USCIS does not re-adjudicate the SIJ petition at the time of the adjudication of the adjustment application. However, the officer should ensure that the applicant remains classified as an SIJ and thus is eligible to adjust as an SIJ. As a result, there may be instances when USCIS may require the applicant to provide additional evidence to show he or she continues to be classified as an SIJ. In other words, the officer must verify the status of any underlying immigrant petition that forms the basis for adjustment.

Revocation of Approved Petition

USCIS may revoke an approved SIJ petition upon notice as necessary^[14] for what it deems to be good and sufficient cause,^[15] such as, if the record contains evidence or information that directly and substantively conflicts with the evidence or information that was the basis for petitioner's eligibility for SIJ classification. USCIS issues a Notice of Intent to Revoke (NOIR) and provides the petitioner an opportunity to offer evidence in support of the petition and in opposition to the grounds alleged for revocation of the approved petition.^[16]

Furthermore, USCIS automatically revokes an approved SIJ petition, as of the date of approval, if any one of the circumstances below occurs before a decision on the adjustment application is issued:

- Marriage of the petitioner;^[17]
- Reunification of the petitioner with one or both parents by virtue of a juvenile court order,^[18] where a juvenile court previously deemed reunification with that parent, or both parents, not viable due to abuse, neglect, abandonment, or a similar basis under state law; or
- Reversal by the juvenile court of the determination that it would not be in the petitioner's best interest to be returned (to a placement) to the petitioner's or his or her parent's country of nationality or last habitual residence.

If one of the above grounds for automatic revocation occurs, USCIS issues a notice to the petitioner of such revocation of the SIJ petition, which means the applicant is no longer classified as a SIJ.^[19]

If the petition is revoked, either upon notice or as an automatic revocation,^[20] then the officer should deny the adjustment application because the applicant no longer has an underlying basis to adjust status.

3. Bars to Adjustment^[21]

An applicant classified as an SIJ is subject to the terrorist-related bar to adjustment.^[22] There is no waiver of or exemption to this adjustment bar if it applies. Therefore, if the terrorist-related bar to adjustment applies, an SIJ is ineligible for adjustment of status.

4. Admissibility and Waiver Requirements^[23]

In general, an applicant who is inadmissible to the United States may only obtain LPR status if he or she obtains a waiver or other form of relief, if available.^[24] In general, if a ground of inadmissibility applies, an applicant must apply for a waiver or other form of relief to overcome an inadmissibility ground that applies.^[25] USCIS may approve the application to adjust status if a waiver or other form of relief is granted and the applicant is otherwise eligible.

The following table specifies which grounds of inadmissibility do not apply to applicants seeking LPR status based on the SIJ classification.^[26]

Inadmissibility Grounds that Do Not Apply to Special Immigrant Juveniles	
INA 212(a)(4)	Public Charge
INA 212(a)(5)(A)	Labor Certification
INA 212(a)(6)(A)	Present without admission or parole
INA 212(a)(6)(C)	Misrepresentation
INA 212(a)(6)(D)	Stowaways
INA 212(a)(7)(A)	Documentation Requirements for Immigrants
INA 212(a)(9)(B)	Unlawful Presence

The following table specifies which grounds of inadmissibility do apply to applicants seeking LPR status based on the SIJ classification and for which a waiver or other form of relief may be available.

Inadmissibility Grounds that Apply to Special Immigrant Juveniles	
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<u>INA 212(a)(1)</u>	Health-Related
<u>INA 212(a)(2)</u>	Crime-Related
<u>INA 212(a)(3)</u>	Security-Related
<u>INA 212(a)(6)(B)</u>	Failure to Attend Removal Proceedings
<u>INA 212(a)(6)(E)</u>	Smugglers
<u>INA 212(a)(6)(F)</u>	Subject of Civil Penalty
<u>INA 212(a)(6)(G)</u>	Student Visa Abusers
<u>INA 212(a)(8)</u>	Ineligibility for Citizenship
<u>INA 212(a)(9)(A)</u>	Certain Foreign Nationals Previously Removed
<u>INA 212(a)(9)(C)</u>	Foreign Nationals Unlawfully Present After Previous Immigration Violations
<u>INA 212(a)(10)</u>	Practicing Polygamists, Guardians Required to Accompany Helpless Persons, International Child Abductors, Unlawful Voters, and Former Citizens who Renounced Citizenship to Avoid Taxation

An applicant found inadmissible based on any of the above applicable grounds may be eligible for an SIJ-specific waiver of these inadmissibility grounds for:

- Humanitarian purposes;
- Family unity; or
- When it is otherwise in the public interest.^[27]

The following table specifies which grounds of inadmissibility cannot be waived under the SIJ-specific waiver for such purposes.^[28]

Inadmissibility Grounds that Cannot Be Waived ^[29]	
<u>INA 212(a)(2)(A)</u>	Conviction of Certain Crimes
<u>INA 212(a)(2)(B)</u>	Multiple Criminal Convictions
<u>INA 212(a)(2)(C)</u>	Controlled Substance Traffickers
<u>INA 212(a)(3)(A)</u>	Security and Related Grounds

<u>INA 212(a)(3)(B)</u>	Terrorist Activities
<u>INA 212(a)(3)(C)</u>	Foreign Policy Related
<u>INA 212(a)(3)(E)</u>	Participants in Nazi Persecution, Genocide, or the Commission of Any Act of Torture or Extrajudicial Killing

Juvenile Delinquency

Findings of juvenile delinquency are not considered criminal convictions for purposes of immigration law. However, certain grounds of inadmissibility do not require a conviction. In some cases, certain conduct alone may be sufficient to trigger an inadmissibility ground.^[30]

Furthermore, findings of juvenile delinquency may also be part of a discretionary analysis.^[31] USCIS will consider findings of juvenile delinquency on a case-by-case basis based on the totality of the evidence to determine whether a favorable exercise of discretion is warranted. Therefore, an adjustment applicant must disclose all arrests and charges. If any arrest or charge was disposed of as a matter of juvenile delinquency, the applicant must include the court or other public record that establishes this disposition.

In the event that an applicant is unable to provide such records because the applicant's case was expunged or sealed, the applicant must provide information about the arrest and evidence demonstrating that such records are unavailable under the law of the particular jurisdiction. USCIS evaluates sealed and expunged records according to the nature and severity of the criminal offense.

5. Treatment of Family Members

Dependents of SIJs cannot file as derivative applicants. SIJ beneficiaries may petition for certain qualifying family members through family-based immigration after they have adjusted status to LPR.^[32] However, a juvenile who adjusts status based on an SIJ classification may not confer an immigration benefit to his or her natural or prior adoptive parents after naturalization.^[33] This prohibition also applies to a non-abusive, custodial parent, if one exists.

6. Requirements for Perez-Olano Litigation Class Members^[34]

Perez-Olano v. Holder is a class-action lawsuit filed on behalf of certain foreign national juveniles who may have been eligible for SIJ classification or SIJ-based adjustment of status but whose SIJ petition or adjustment application was denied or revoked for certain reasons. Certain persons whose petition for SIJ classification^[35] or SIJ-based application for adjustment of status^[36] was denied or revoked on or after May 13, 2005, may be eligible to file a motion to reopen the denied SIJ petition or SIJ-based application for adjustment of status.

A class action member may file a motion to reopen if his or her SIJ petition or SIJ-based application for adjustment of status was denied or revoked on account of:

- Age if, at the time the class member filed a complete petition for SIJ classification, he or she was under 21 years of age;
- Dependency status if, at the time the class member filed a complete petition for SIJ classification, he or she was the subject of a valid dependency order that was subsequently terminated based on age; or

- Specific consent, if the petitioner did not receive a grant of the Department of Health and Human Services (HHS) specific consent before going before the juvenile court and the court order did not alter the petitioner's HHS custody status or placement.

There is also a stipulation to the settlement agreement involving cases in which SIJ petitions or SIJ-based applications for adjustment of status were denied, terminated, or revoked on or after December 15, 2010, because the applicant's state court dependency order had expired at the time of the filing. The requirements and process for a class member to request that his or her case be reopened under the Stipulation differ from requirements under the original Settlement Agreement.^[37]

Under the stipulation, USCIS will not deny, revoke, or terminate an SIJ petition or SIJ-based adjustment of status if, at the time of filing the SIJ petition, the applicant:

- Is or was under 21 years of age, unmarried, and otherwise eligible; and
- Is the subject of a valid dependency order or was the subject of a valid dependency order that was terminated based on age prior to filing.

D. Documentation and Evidence

An applicant should submit the following documentation to adjust status as an SIJ:^[38]

- Application to Register Permanent Residence or Adjust Status (Form I-485), with the correct fee or with a Request for Fee Waiver (Form I-912);
- Copy of the receipt or approval notice (Form I-797) for the applicant's SIJ petition (unless the applicant is filing the petition together with Form I-485);^[39]
- Two passport-style photographs;
- Biographic Information Sheet (Form G-325A), if the applicant is 14 through 79 years of age;
- Copy of government-issued identity document with photograph (if available);
- Copy of birth certificate;
- Copy of passport page with nonimmigrant visa (if applicable);
- Copy of passport page with admission or parole stamp (if applicable);
- Copy of Arrival/Departure Record (Form I-94) or copy of U.S. Customs and Border Protection (CBP) admission or parole stamp on the travel document (if applicable);^[40]
- Any other evidence, as needed, to show that the terrorist-related adjustment bar does not apply;
- Report of Medical Examination and Vaccination Record (Form I-693);^[41]
- Certified police and court records of juvenile delinquency findings, criminal charges, arrests, or convictions (if applicable);

- Application for Waiver of Grounds of Inadmissibility (Form I-601) or other form of relief (if applicable); and
- Documentation of past or present J-1 or J-2 nonimmigrant status, including proof of compliance with or waiver of the 2-year foreign residence requirement under INA 212(e) (if applicable).^[42]

E. Adjudication^[43]

1. Filing

An applicant seeking adjustment of status as a special immigrant juvenile may file his or her adjustment application with USCIS concurrently with the SIJ petition, while the SIJ petition is pending, or after USCIS approves the SIJ petition (as long as the petition is still valid), provided:

- USCIS has jurisdiction over the adjustment application;^[44] and
- The visa availability requirements are met.^[45]

2. Interview

Determining Necessity of Interview

USCIS recognizes the vulnerable nature of SIJ based applicants for adjustment of status and generally conducts interviews of SIJ based applicants for adjustment of status when an interview is deemed necessary. USCIS conducts a full review of the record and supporting evidence to determine whether an interview may be warranted.

USCIS will generally not require an interview if the record contains sufficient information and evidence to approve the adjustment application without an in-person assessment. However, USCIS retains the discretion to interview SIJ based adjustment applicants for the purposes of adjudicating the adjustment of status application, as applicable.^[46]

Conducting the Interview

Given the vulnerable nature of SIJ based adjustment applicants and the hardships they may face because of the loss of parental support, USCIS takes special care to establish a child-friendly interview environment. During an interview, USCIS avoids questioning the applicant about the details of the abuse, neglect, or abandonment suffered because these issues are handled by the juvenile court. USCIS generally focuses the interview on resolving issues related to eligibility for adjustment of status.

The applicant may bring a trusted adult to the interview in addition to an attorney or representative. The trusted adult may serve as a familiar source of comfort to the applicant, but should not interfere with the interview process or coach the applicant during the interview. Given potential human trafficking and other concerns, USCIS assesses the appropriateness of the adult to attend the interview and is observant of the adult's interaction with the child. If USCIS has any concerns related to appropriateness of the adult's presence, USCIS may continue the interview without that adult present.

3. Age-Out Protections

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There is no age limit for SIJ-based applicants for adjustment of status. In cases where an SIJ petitioner is under 21 years of age on the date of proper filing of the SIJ petition, USCIS does not deny an SIJ-based adjustment application solely because the applicant is older than 21 years of age at the time of filing or adjudication of the Form I-485.^[47]

4. Decision

Approval

The officer must determine that the applicant meets all the eligibility requirements and merits the favorable exercise of discretion.^[48] before approving the application to adjust status as an SIJ. If the application for adjustment of status is approvable, the officer must determine if a visa is available at the time of final adjudication.^[49]

If approved, USCIS assigns the following code of admission to applicants adjusting under this category:

Class of Applicant and Code of Admission	
Applicant	Code of Admission
Special Immigrant Juvenile	SL6

The applicant becomes an LPR as of the date of approval of the adjustment application.^[50]

Denial

If the officer determines that the applicant is ineligible for adjustment, the officer must deny the adjustment application. The officer must provide the applicant a written reason for the denial.^[51] Although there are no appeal rights for the denial of an adjustment application, the applicant may file a motion to reopen or reconsider, or renew the application in Immigration Court. The denial notice should include instructions for filing a Notice of Appeal or Motion (Form I-290B).

Footnotes

1. For more information on the legislative history of the SIJ classification, see Volume 6, Immigrants, Part J, Special Immigrant Juveniles [6 USCIS-PM J].
2. See Pub. L. 101-649, 104 Stat. 4978 (November 29, 1990).
3. See Pub. L. 101-649, 104 Stat. 4978, 5005 (November 29, 1990).
4. See Pub. L. 102-232, 105 Stat. 1733, 1744 (December 12, 1991).

5. See Pub. L. 105-119, 111 Stat. 2440, 2460 (November 26, 1997).
6. See Pub. L. 110-457, 122 Stat. 5044, 5079 (December 23, 2008).
7. See INA 245(a) and (c). See 8 CFR 245, 8 CFR 245.1(a) and 8 CFR 245.1(e)(3). See Instructions to Form I-485.
8. See INA 245(a). See 8 CFR 245.1(e)(3). See Part B, 245(a) Adjustment, Chapter 2, Eligibility Requirements, Section A, “Inspected and Admitted” or “Inspected and Paroled” [7 USCIS-PM B.2(A)].
9. See INA 245(h)(1).
10. See Part A, Adjustment of Status Policies and Procedures, Chapter 6, Adjudicative Review [7 USCIS-PM A.6] and Part B, 245(a) Adjustment, Chapter 2, Eligibility Requirements, Section C, Eligible to Receive an Immigrant Visa [7 USCIS-PM B.2(C)].
11. See INA 245(a)(2).
12. To see what requirements applicants must meet to obtain such classification, see Volume 6, Immigrants, Part J, Special Immigrant Juveniles, Chapter 2, Eligibility Requirements [6 USCIS-PM J.2].
13. For more information, see Part A, Adjustment of Status Policies and Procedures, Chapter 6, Adjudicative Review [7 USCIS-PM A.6].
14. See 8 CFR 205.2(a).
- 15.

See [INA 205](#).

16. See [8 CFR 205.2\(b\)](#).
17. The applicant must be unmarried at the time of filing the adjustment application and at the time of final adjudication of the form. See [8 CFR 205.1\(a\)\(3\)\(iv\)](#).
18. Revocation will not occur, however, where the juvenile court places the petitioner with the parent who was not the subject of the nonviable reunification determination.
19. See [8 CFR 205.1\(b\)](#).
20. See [8 CFR 205.1\(b\)](#).
21. See [INA 245\(c\)](#). See Part B, 245(a) Adjustment [[7 USCIS-PM B](#)].
22. See [INA 245\(c\)\(6\)](#), which bars from adjustment any foreign national deportable due to involvement in a terrorist activity or group under [INA 237\(a\)\(4\)\(B\)](#). Special immigrant juveniles are exempt from [INA 245\(c\)\(2\)](#) and [INA 245\(c\)\(8\)](#). See [62 FR 39417, 39422](#) (July 23, 1997). See [8 CFR 245.1\(b\)\(5\)](#), [8 CFR 245.1\(b\)\(6\)](#), and [8 CFR 245.1\(b\)\(10\)](#). [INA 245\(c\)\(7\)](#) also does not apply. See [8 CFR 245.1\(b\)\(9\)](#). See Part B, 245(a) Adjustment, Chapter 5, Employment-Based Applicant Not in Lawful Nonimmigrant Status – [INA 245\(c\)\(7\)](#) [[7 USCIS-PM B.5](#)]. Finally, [INA 245\(c\)\(1\)](#), [INA 245\(c\)\(3\)](#), [INA 245\(c\)\(4\)](#), and [INA 245\(c\)\(5\)](#) do not apply since a special immigrant juvenile is considered to be paroled into the United States and, when reviewing these bars, USCIS focuses on the most recent admission. See [INA 245\(h\)\(1\)](#). See [8 CFR 245.1\(a\)](#) and [8 CFR 245.1\(e\)\(3\)](#). For more information on the bars to adjustment, see Part B, 245(a) Adjustment [[7 USCIS-PM B](#)].
23. For more information, see Volume 8, Admissibility [[8 USCIS-PM](#)] and Volume 9, Waivers [[9 USCIS-PM](#)].
24. See [INA 212\(a\)](#) for the specific grounds of inadmissibility.

25. See Volume 9, Waivers [[9 USCIS-PM](#)].
26. See [INA 245\(h\)\(2\)\(B\)](#) and [8 CFR 245.1\(e\)\(3\)](#). Grounds of removal under [INA 237\(c\)](#) that correspond with exempted inadmissibility grounds are also waived for SIJs.
27. See [INA 245\(h\)\(2\)\(B\)](#) and [8 CFR 245.1\(e\)\(3\)](#).
28. However, an applicant found inadmissible based on one of the grounds of inadmissibility listed below may be eligible to obtain a waiver under other statutory authorities. For more information on other types of waivers, see Volume 9, Waivers [[9 USCIS-PM](#)].
29. This table includes inadmissibility grounds that cannot be waived for humanitarian purposes, family unity, or when it is otherwise in the public interest.
30. For example, see [INA 212\(a\)\(2\)\(A\)](#) (inadmissibility based on conviction of or admission that the foreign national committed certain criminal acts).
31. For more information, see Part A, Adjustment of Status Policies and Procedures [[7 USCIS-PM A](#)] and Part B, 245(a) Adjustment [[7 USCIS-PM B](#)].
32. See [INA 101\(a\)\(27\)\(J\)](#).
33. See [INA 101\(a\)\(27\)\(J\)\(iii\)\(II\)](#).
34. See [Perez-Olano v. Holder](#), Case No. CV 05-3604 (C.D. Cal. 2005).
35. See Petition for Amerasian, Widow(er), or Special Immigrant ([Form I-360](#)).

36. See Application to Register Permanent Residence or Adjust Status ([Form I-485](#)).
37. See [Updated Implementation of the Special Immigrant Juvenile Perez-Olano Settlement Agreement](#), issued (June 25, 2015).
38. For information about limitations on additional evidence, see Volume 6, Immigrants, Part J, Special Immigrant Juveniles, Chapter 3, Documentation and Evidence, Section B, Limitations on Additional Evidence [[6 USCIS-PM J.3\(B\)](#)].
39. USCIS may also require the applicant to provide additional evidence to show he or she continues to be classified as an SIJ. See Petition for Amerasian, Widow(er), or Special Immigrant ([Form I-360](#)).
40. Foreign nationals admitted to the United States by CBP at an airport or seaport after April 30, 2013, may be issued an electronic Form I-94 by CBP instead of a paper Form I-94. Such foreign nationals may visit the [CBP website](#) to obtain a paper version of an electronic Form I-94. CBP does not charge a fee for this service.
41. The applicant may submit [Form I-693](#) together with [Form I-485](#) or later at USCIS' request. See the [USCIS website](#) for more information. For more information on when to submit [Form I-693](#), see Volume 8, Part B, Health-Related Grounds of Inadmissibility, Chapter 4, Review of Medical Examination Documentation [[8 USCIS-PM B.4](#)].
42. See Part A, Adjustment of Status Policies and Procedures, Chapter 2, Eligibility Requirements, Section B, Who is Not Eligible to Adjust Status, 3. Other Eligibility Requirements [[7 USCIS-PM A.2\(B.3\)](#)].
43. For more information, see Part A, Adjustment of Status Policies and Procedures, Chapter 6, Adjudicative Review [[7 USCIS-PM A.6](#)].
44. For more information, see Part A, Adjustment of Status Policies and Procedures, Chapter 3, Filing Instructions, Section D, Jurisdictions [[7 USCIS-PM A.3\(D\)](#)].

45. The applicant must have an immigrant visa immediately available when he or she filed the adjustment of status application and at the time of final adjudication. See Section C, Eligibility Requirements [[7 USCIS-PM F.7\(C\)](#)].
46. See [8 CFR 103.2\(b\)\(9\)](#).
47. See [INA 101\(b\)\(1\)](#) (definition of child is an unmarried person under 21 years of age). See Section 235(d)(6) of the TVPRA, [Pub. L. 110-457](#), 122 Stat. 5044, 5080 (December 23, 2008) (provides age-out protection to SIJ petitioners). Although the SIJ definition at [INA 101\(a\)\(27\)\(J\)](#) does not use the term child, USCIS incorporated the child definition at [INA 101\(b\)\(1\)](#) into SIJ-related regulations. For more information on age-out protections for purposes of an SIJ classification, see Volume 6, Immigrants, Part J, Special Immigrant Juveniles, Chapter 2, Eligibility Requirements, Part C, Age-out Protections [[6 USCIS-PM J.2\(C\)](#)].
48. See [INA 245\(a\)](#). For more information, see Part A, Adjustment of Status Policies and Procedures, Chapter 10, Legal Analysis and Appropriate Use of Discretion [[7 USCIS-PM A.10](#)].
49. For more information on visa availability and visa retrogression, see Part A, Adjustment of Status Policies and Procedures, Chapter 6, Adjudicative Review, Section C, Verify Visa Availability [[7 USCIS-PM A.6\(C\)](#)].
50. The date of approval is shown in the USCIS approval notice mailed to the applicant. That date is also shown on the actual Permanent Resident Card (Form I-551) the applicant receives after adjustment approval.
51. See [8 CFR 103.2\(b\)\(19\)](#) and [8 CFR 103.3\(a\)](#).

Appendices

Updates

POLICY ALERT – Special Immigrant Juvenile Classification and Special Immigrant-Based Adjustment of Status

October 26, 2016

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance regarding the special immigrant juvenile (SIJ) classification and special immigrant-based (EB-4) adjustment of status, including adjustment based on classification as a special immigrant religious worker, SIJ, and G-4 international organization or NATO-6 employee or family member, among others.