



Practice Alert: Termination of the SIJS Deferred Action Policy¹

July 22, 2025

On June 6, 2025 U.S. Citizenship and Immigration Services (USCIS) [announced](#) its indefensible decision to terminate the deferred action policy for youth with Special Immigrant Juvenile Status (SIJS), through which around 200,000 SIJS youth awaiting a visa had been granted protection from deportation and work authorization. Under the SIJS Deferred Action Policy, USCIS individually considered four-year grants of deferred action for SIJS youth who were unable to apply for adjustment of status (a “green card”) because they did not have a currently available visa. Deferred action protected SIJS youth from deportation and provided them the opportunity to apply for employment authorization, obtain a Social Security number, and obtain identity documents. Because of the termination of the policy, SIJS youth will not be able to renew their deferred action or work authorization once it expires, and young people newly approved for SIJS will no longer be considered for a grant of deferred action. Instead of offering a path to safety and self-sufficiency for these young survivors of parental maltreatment, the termination of the SIJS policy will harm the many thousands of youth waiting for the opportunity to apply for permanent residence.

This resource was created by the [End SIJS Backlog Coalition](#). The Coalition is a national group of directly impacted SIJS youth and allied advocates working together to end the SIJS backlog and its harms, including by protecting the right of SIJS youth to remain safely in the United States while they pursue permanency. While we work toward a legislative solution to the visa backlog, the Coalition seeks solutions to mitigate the worst of its harms. The implementation in 2022 of the SIJS Deferred Action Policy was the Coalition’s biggest administrative victory in protecting SIJS youth. Despite the policy’s furtherance of the congressional intent behind the SIJS statute to protect and support youth on a path to lawful permanent resident (LPR) status, USCIS has chosen to backtrack on its progress to the detriment of vulnerable children and youth.

¹ Publication of the End SIJS Backlog Coalition, a project of the National Immigration Project. This practice alert is released under a Creative Commons Attribution 4.0 International License (CC BY 4.0). The authors of this resource are Dalia Castillo-Granados, Director, American Bar Association’s Children’s Immigration Law Academy; Jordan Cummings, Legal Director, Innovation Law Lab; Rebecca Scholtz, Senior Staff Attorney, National Immigration Project; and Claire Valentin, Managing Director of Innovation and Advocacy, Children’s Law Center of Massachusetts. The authors would like to thank the following individuals for their thoughtful contributions to this resource: Rachel Davidson, Director, End SIJS Backlog Coalition; Michelle Méndez, National Immigration Project Director of Training and Legal Resources; and Grayson McGowan, National Immigration Project Summer Law Clerk. This resource is not a substitute for independent legal advice provided by legal counsel familiar with a client’s case.

This practice alert (1) provides background on the SIJS backlog and the SIJS Deferred Action Policy; (2) describes USCIS’s termination of the SIJS Deferred Action Policy in 2025; (3) describes litigation challenging the termination of the policy; (4) provides tips for practitioners in light of the policy change.

I. Background on the SIJS Backlog and the 2022 SIJS Deferred Action Policy

A. The SIJS Visa Backlog

SIJS is a humanitarian immigration protection that provides a pathway to lawful permanent residence for noncitizen children up to the age of 21 years who have been abused, neglected, or abandoned by their parent(s), and where a state juvenile court has determined that it is not in the child’s best interest to be returned to their country of origin.² A child who receives SIJS can apply for lawful permanent residence once a visa is available if they meet other eligibility requirements.³ Visas for Special Immigrant Juveniles come from the employment-based fourth preference (EB-4) category by statute, pursuant to which no more than 7.1 percent of the worldwide level of employment-based visas may be allocated to all categories of “special immigrants,” which includes but is not limited to SIJS youth.⁴ Since 2016, there has been more demand for EB-4 visas than yearly visas available, which has led to a growing backlog of available EB-4 visas. Because of this visa backlog, SIJS youth must wait years before a visa is available for them to seek SIJS-based lawful permanent residence.⁵

B. The SIJS Deferred Action Policy

Beginning in early 2021, the End SIJS Backlog Coalition, along with many others, [advocated](#) for protection from removal and access to employment authorization for youth in the SIJS visa backlog. It was clear that the backlog, through no fault of the youth seeking protection, put SIJS youth at risk of deportation and became a barrier for youth transitioning to adulthood. During the first Trump administration, some youth were even ordered deported due to lack of visa availability.

In March 2022, USCIS announced the creation of the [SIJS Deferred Action Policy](#), which went into effect on May 6, 2022. Under the SIJS Deferred Action Policy, when USCIS approved a young person’s SIJS petition, it automatically considered them for a four-year, renewable grant of deferred action if they lacked an available visa due to the SIJS visa backlog.

While the policy was in effect, around 200,000 SIJS beneficiaries were granted deferred action and were thus able to access crucial benefits promoting their safety and wellbeing. First, having deferred action prevents immigration authorities from physically deporting a noncitizen from the United States. Second, people granted deferred action are eligible to apply for employment authorization under 8 CFR § 274a.12(c)(14). With deferred action and work authorization, young

² See INA § 101(a)(27)(J).

³ See *id.* § 245(h), (a).

⁴ See *id.* §§ 203(b)(4), 101(a)(27)(J).

⁵ For a more detailed explanation of the SIJS backlog, see the Coalition’s [resource](#) “Breaking Down the Visa Bulletin: What SIJS Advocates Need to Know.”

people were able to obtain Social Security numbers, open bank accounts, get driver's licenses, pursue their education, and obtain stable employment as they transitioned to adulthood and thereby be protected from labor exploitation and contribute to the U.S. economy. For a more detailed explanation of the SIJS Deferred Action Policy, see the Coalition's FAQ resource [here](#).

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 receive a deferred action adjudication contemporaneously with their SIJS petition approval notice. Thousands of SIJS youth have deferred action expiration dates of May 2026 and were counting on using the Form G-325A process to apply for renewal starting in December 2025.

II. Secret Changes to the SIJS Deferred Action Policy: April 7, 2025 to June 6, 2025

In April 2025, practitioners around the country noticed that USCIS abruptly stopped adjudicating deferred action for young people concurrently with their SIJS petition approval. Without explanation, SIJS petition approval notices no longer included a paragraph granting or denying deferred action—in fact, the approval notices contained no mention of deferred action at all. Many young people in this situation separately filed Form G-325A to request deferred action, but the Coalition is not aware of any SIJS youth whose Forms G-325A have been granted since April 2025. Around the same time, practitioners noticed that their SIJS clients whose deferred-action-based applications for employment authorization had already been filed with USCIS stopped receiving adjudications. Where previously USCIS's processing of applications for employment authorization based on SIJS deferred action had been prompt, after April 2025, applications remained pending past the processing times announced by USCIS and seemed to be stuck in an indefinite limbo. These unexplained delays have left a substantial number of SIJS youth whom USCIS had already granted deferred action without the stability and protection from exploitation that work authorization provides.

Then, on May 29, 2025, USCIS issued a proposed amended Form G-325A that would eliminate the SIJS category for requesting or renewing deferred action. There was no explanation accompanying the proposed changes. The proposed amended Form G-325A is available [here](#), and the proposed amended Form G-325A instructions are available [here](#) ([this table of changes](#) shows the specific language USCIS is proposing to delete). The proposed changes to Form G-325A also eliminate deferred action categories for stateless individuals, as well as based on a labor investigation (the DALE program). USCIS has requested comments on the proposed changes, which can be submitted until July 28, 2025. The Coalition issued a [guide](#) to submitting comments for practitioners and allies. The Coalition's submitted comment can be viewed [here](#). In the meantime, the Form G-325A on the USCIS website continues to include the deferred action category for "SIJ DA."

III. USCIS's June 6, 2025 Policy Alert Announcing the Termination of the SIJS Deferred Action Program

On June 6, 2025, USCIS issued a [Policy Alert](#) rescinding the SIJS Deferred Action Policy, and simultaneously amended the [SIJS Policy Manual provisions](#) to remove the language about the SIJS Deferred Action Policy. The Policy Alert states that USCIS will no longer grant deferred action to SIJS youth, will no longer accept applications for employment authorization for those with SIJS deferred action, and will strip SIJS youth with deferred action of their ability to renew their deferred action once it expires. USCIS accepts feedback on its Policy Manual changes through a dedicated email inbox; the [stated deadline](#) for giving comments on the changes eliminating SIJS deferred action was July 7, 2025 but feedback is accepted any time ([here](#) is the Coalition's template for submitting feedback on the Policy Manual).

Meanwhile, while USCIS is purportedly considering stakeholder comments to the proposed Form G-325A changes, as noted above, the current Form G-325A remains on the USCIS website—giving the false impression that SIJS youth who complete the form are eligible for SIJS-based deferred action.

USCIS's decision to terminate the SIJS Deferred Action Policy is already having and will continue to have a devastating impact on SIJS youth whom Congress intended to protect. The policy changes expose SIJS youth awaiting a visa not only to deportation, thwarting the intent of Congress in providing a pathway to permanent protection to SIJS youth, but also to the risk of labor exploitation and other harms including mental health impacts of the fear and uncertainty caused by these changes. Youth who currently have SIJS deferred action will be in a precarious position once it expires, as they will be unable to renew their deferred action and correspondent protection from deportation and work authorization. As a result, many young people will be terminated from their employment, lose their health insurance, and be forced to abandon educational pursuits. For those young people who have SIJS deferred action but who have not yet received their corresponding work authorization, it appears that they will now be denied work authorization and its many attendant benefits that promote the safety, wellbeing, and independence of young people. And young people with approved or approvable SIJS petitions who do not yet have deferred action—the number of whom grows each day—are left vulnerable to deportation. Given the length of the backlog, this vulnerability will last for years, at the same time the Trump administration ramps up its efforts to indiscriminately arrest, detain, and deport noncitizens without regard to their eligibility for or pursuit of immigration relief.

IV. Litigation Challenging the Rescission of the SIJS Deferred Action Policy

On July 17, 2025, nine SIJS youth, along with legal service providers CARECEN-NY and Centro Legal de La Raza, filed a class action lawsuit in the U.S. District Court for the Eastern District of New York challenging USCIS's decision to terminate the SIJS Deferred Action Policy. The lawsuit, *A.C.R. v. Noem*, No. 25-03962, alleges that the government violated the Administrative Procedure Act when it abruptly terminated the policy without proper notice or justification, leaving thousands of SIJS beneficiaries at risk of deportation, labor exploitation, and other harms. The plaintiffs are represented by the National Immigration Project, Kids in Need of Defense (KIND), Public Counsel, Davis Wright Tremaine LLP, and Lowenstein Sandler LLP.

The plaintiffs have asked the court to certify two main classes and one subclass of impacted SIJS beneficiaries, as follows:

- **Deferred Action Class:** All individuals whose SIJS petitions were or will be approved on or after April 7, 2025, and who will no longer be considered for deferred action based on SIJS because of Defendants' 2025 Rescission Policy.
- **Renewal Class:** All individuals who were granted deferred action based on SIJS but who are no longer eligible to renew their deferred action while they await a visa because of Defendants' 2025 Rescission Policy.
- **EAD Subclass:** All members of the Renewal Class who have applied for or are eligible to apply for an Employment Authorization Document under 8 C.F.R. § 274a.12(c)(14) (“(c)(14) EAD”) but whose applications for a (c)(14) EAD have not been or will not be adjudicated pursuant to Defendants' 2025 Policy Alert.

The plaintiffs have asked the court to grant a class-wide preliminary injunction that would restore the SIJS Deferred Action Policy and require the government to:

1. Resume automatic deferred action adjudications for young people with approved SIJS petitions awaiting a visa (for the Deferred Action Class),
2. Promptly resume adjudicating the work authorization applications of SIJS beneficiaries already granted deferred action (for the EAD Subclass), and
3. Restore the deferred action renewal process for SIJS beneficiaries whose deferred action grants are set to expire (benefitting the Renewal Class).

For more information about the litigation and key case documents, see the National Immigration Project [webpage](#) for this case.

V. Practitioner Tips in Light of the End of SIJS Deferred Action

A. Tips for Talking with SIJS Clients About the Policy Change

Practitioners should review the impact of these changes individually with each SIJS youth client, as the impact will vary according to the youth's individual circumstances. In times of uncertainty, it is important to be transparent with youth about the uncertainties, to acknowledge the difficulty and stress of the moment, and to answer questions clearly with the information available and without providing false assurances. Practitioners should share accessible resources with SIJS clients, such as the Coalition's Youth Hub (in English [here](#) and in Spanish [here](#)), where youth can learn about legal developments that impact them and where they can get connected to and be in community with other youth experiencing similar uncertainties. Practitioners should encourage SIJS clients to turn to counsel and other reliable sources of information when they have questions, as they may otherwise come across a great deal of misinformation. Practitioners should provide SIJS clients with brief updates on the litigation challenging the termination of the policy, including whether the client falls within one of the proposed classes.

As explained below, practitioners should re-screen all SIJS youth for eligibility for other forms of immigration relief and carefully review these options with youth. Even for those with current deferred action and work authorization, SIJS youth may want to apply for additional forms of immigration status where applicable.

For youth with deferred action, practitioners can highlight that they retain their deferred action until the expiration date listed on the approval notice. Practitioners should also review with the youth their priority date and the visa bulletin's EB-4 Final Action Date for their country of origin, and provide as much information as available about when the youth may be able to apply for SIJS-based lawful permanent residence. The Coalition has youth-facing materials on these topics at the Youth Hub (in English [here](#) and in Spanish [here](#)). The length of time a youth retains deferred action, along with any relevant information about the visa backlog and anticipated delays prior to eligibility for SIJS-based lawful permanent residence, is critical information each youth requires to make informed decisions about their future.

Youth should be aware that deferred action does not prevent the Department of Homeland Security (DHS) from taking a youth into immigration detention. Practitioners should ensure that each client has a copy of the practitioner's card with them and that they have memorized their counsel's phone number to ensure that they can contact counsel should they be detained. Practitioners should consider providing clients with a letter they can carry with them explaining their status as an approved SIJS beneficiary and deferred action grantee. Practitioners could consider reminding clients that while USCIS can terminate a person's deferred action grant at any time, termination of deferred action is more likely to occur if an individual faces criminal charges or gang allegations.

For youth who were also granted work authorization based on deferred action, practitioners should advise youth that their work authorization continues until the expiration listed on the EAD. It can be helpful to remind employed youth of the importance of filing annual tax returns and securing other forms of government-issued identification where appropriate, such as a state driver's license. For youth with deferred action who have not yet applied for work authorization, practitioners should consider whether to assist the young person in filing an application for employment authorization based on their deferred action now, in hopes that USCIS may be required through litigation to adjudicate such applications. (For any USCIS application, one important downside to consider is the risk that it will be denied and the client will then be placed into removal proceedings pursuant to section VI of USCIS's [February 2025 Notice to Appear \(NTA\) Guidance](#)).

For SIJS clients without deferred action, practitioners should explain that the 2025 USCIS policy eliminated SIJS deferred action and related work authorization, at least in the short term until there is a change in policy. Practitioners should offer youth all relevant information about the visa backlog and anticipated delays prior to their ability to seek SIJS-based lawful permanent residence, highlighting that litigation and future policy changes may yet again alter the course ahead. Practitioners should also review with the youth their priority date and the visa bulletin's EB-4 Final Action Date for their country of origin, and provide as much information as available about when the youth may be able to apply for SIJS-based lawful permanent residence. The Coalition has youth-facing materials on these topics at the Youth Hub (in English [here](#) and in Spanish [here](#)).

For SIJS clients who do not have work authorization through some other form of relief such as pending asylum, practitioners should be prepared to discuss the impact of unauthorized employment on future immigration-related applications. Unauthorized employment during any

period in the United States is a bar to many types of adjustment of status. While this bar does not apply to those seeking adjustment of status based on SIJS, the bar may apply if a SIJS youth seeks lawful permanent residence on another adjustment basis.⁶ Moreover, per INA § 245(h)(2)(A), certain grounds of inadmissibility do not apply to SIJS-based adjustment of status applicants, including the ground of inadmissibility based on fraud, misrepresentation, or making a false claim to U.S. citizenship. However, clients should understand the importance of not using someone else's identification, of not making false claims to U.S. citizenship, and of avoiding conduct that could result in contact with the criminal legal system in order to remain statutorily eligible for adjustment of status and to merit a favorable exercise of discretion.

B. Tips for Representing SIJS Clients in Light of the Policy Change

Future SIJS Petitions. Despite the absence of deferred action, pursuing SIJS will still be the right choice for many youth because of the eventual pathway to lawful permanent residence and the possibility of administratively closing, or terminating, any removal proceedings. For SIJS-eligible youth who are not in removal proceedings, practitioners should be careful to advise potential applicants about the risks and benefits of applying and obtain informed consent. Because of USCIS's [February 2025 NTA Guidance](#), a denied SIJS petition will likely result in the issuance of a Notice to Appear to commence removal proceedings.

Re-Screening for Other Relief. In the absence of deferred action, practitioners should also carefully screen SIJS-eligible youth again for other forms of relief that can be pursued simultaneously to SIJS. For example, many SIJS-eligible youth may also be eligible to seek asylum either before USCIS or the immigration court. A pending asylum application can provide work authorization eligibility and a defense against removal. Other forms of relief that might be available to SIJS-eligible youth include U- and T- visas, Temporary Protected Status, Violence Against Women Act relief, or family-based immigration options. If other adjustment pathways are available, practitioners should consider if § 245(h) will work as a vehicle to adjust status (see the Coalition's practice advisory on this creative argument [here](#)). Given the length of the visa backlog, practitioners should consider re-screening clients on a regular basis to see if additional forms of relief become available over time. For information on re-screening for relief, see [this blog series](#).

Requesting Deferred Action Through Form G-325A. Practitioners may also consider requesting deferred action for individual SIJS clients through Form G-325A. Though USCIS has indicated it intends to amend the form to remove SIJS as a ground upon which deferred action can be requested, the form has not yet been amended. If USCIS does eliminate the SIJS category on the form, SIJS youth could still attempt to seek deferred action by checking the "other" box as a basis. A request for deferred action should include evidence demonstrating that the applicant warrants deferred action as a matter of discretion, which could include the SIJS petition approval. The same caveat mentioned earlier applies here—that denial of Form G-325A will likely lead to USCIS commencing removal proceedings against the noncitizen pursuant to the

⁶ See INA 245(c)(2), (8). *But see* End SIJS Backlog Coalition, [Practice Alert: Guidance on Adjustment of Status for Youth with Special Immigrant Juvenile Status Using INA § 245\(h\) with a Non-SIJS Petition](#) (Updated July 22, 2025).

agency's [current NTA policy](#)—and thus particularly for those SIJS clients not already in removal proceedings, it may be unwise to file Form G-325A.

Monitoring the Visa Bulletin. Now more than ever, it is important for practitioners to regularly check the EB-4 Final Action Date in the Visa Bulletin on a regular basis, especially for clients who were approved for SIJS several years ago and are still awaiting an available visa, to ensure adjustment can be pursued as soon as possible. Practitioners may also want to encourage their clients to check the bulletin themselves; resources from the End SIJS Backlog Coalition's [Youth Hub](#), including videos, may be useful resources to share.

Preparing Legal Defense Plans. In the absence of deferred action, practitioners will need to carefully consider the best removal defense strategy for SIJS clients awaiting a visa. For those SIJS clients in removal proceedings, deferred action was previously helpful in obtaining termination or administrative closure; in the absence of deferred action, some immigration judges may be unwilling to grant such relief. In particular, practitioners may want to ensure, when possible, that clients have another form of relief pending before the immigration court to avoid the issuance of a removal order. For clients with final removal orders, it is wise to prepare a motion to reopen and concurrent stay motion that can be filed at a strategic point in time. The National Immigration Project's [resource](#) on crafting legal defense plans for unaccompanied children with removal orders may be a useful guide. For more detailed information on removal defense strategies for SIJS youth in various removal proceedings postures, please refer to our [Quick Guide: Defending SIJS Clients in Removal Proceedings](#).

C. Connecting to Larger Advocacy Efforts

During this time when noncitizens, including SIJS youth, are being targeted relentlessly, it is important to connect to larger efforts to protect and defend SIJS youth. We invite practitioners, advocates, and impacted young people to [join](#) the End SIJS Backlog Coalition, which has been working for years to change the narrative and build support in Congress to end the SIJS visa backlog. The End SIJS Backlog Coalition has a youth leadership council and a youth organizer who create community and educational programming for SIJS youth. We also host a Signal group for SIJS youth to obtain information about SIJS policy changes and our work. Please encourage your clients to join our youth arm of the Coalition by filling out this form [here](#).

As we work toward the long-term goal of legislative change, the Coalition also aims to mitigate the backlog's worst harms, including by issuing practitioner-facing resources for defending SIJS clients. To help the Coalition produce up-to-date and useful materials, we ask practitioners to complete our surveys to (1) report any termination of a deferred action grant [here](#), (2) report ICE enforcement against SIJS youth [here](#), and (3) report immigration court outcomes (positive or negative) related to SIJS youth [here](#).

VI. Conclusion

USCIS's cruel and arbitrary decision to terminate the SIJS Deferred Action Policy has caused, and will continue to cause, devastating harm to many thousands of SIJS beneficiaries awaiting a visa. Now more than ever, it is crucial for practitioners to employ all legal tools available to

protect SIJS clients' right to remain safely in the United States until they can apply for adjustment of status. We encourage practitioners to [join the Coalition](#) to join a community of impacted youth and allied advocates fighting to protect SIJS youth's rights and to stay informed about the most recent developments, including in the [A.C.R. litigation](#) challenging the termination of the SIJS Deferred Action Policy.