

EXHIBIT D

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 A.C.R., *et al.*,

4 Plaintiffs,

5 v.

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7 KRISTI NOEM, in her official capacity as
8 Secretary of U.S. Department of Homeland
9 Security, *et al.*,

10 Defendants.
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Civ. Action No.:1:25-cv-03962

**DECLARATION OF ROSE
KENDRICK**

DECLARATION OF ROSE KENDRICK.

I, Rose Kendrick, for my Declaration pursuant to 28 U.S.C. § 1746, hereby state and declare as follows:

1. I am the Acting Center Director of the National Benefits Center (“NBC”), Field Operations Directorate (“FOD”), U.S. Citizenship and Immigration Services (“USCIS”), U.S. Department of Homeland Security (“DHS”). I make this declaration based on my personal knowledge, upon information provided to me in my official capacity, and upon my review of official documents and records maintained by USCIS.

2. I have served as a federal immigration professional since 1989, and I have held various roles within the legacy Immigration and Naturalization Service and with USCIS. Since 2020, I have been the Deputy Center Director of the NBC. As of May 2025, I am the Acting Center Director of the NBC. My duties include planning, directing, managing and coordinating the processing and adjudication of applications and petitions for immigration and nationality benefits and privileges, as well as for related functions including fraud detection, records operations, public information services and support activities.

Irreparable Harm Allegations by Plaintiffs

3. A Special Immigrant Juvenile (SIJ) with an approved Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, and a grant of deferred action may apply for an Employment Authorization Document (EAD) by filing the Form I-765, Application for Employment Authorization, with USCIS under the (c)(14) eligibility category.

4. The (c)(14) eligibility category to obtain an EAD is for an alien who has been granted deferred action, an act of administrative convenience to the government that gives some cases lower priority.

1 5. USCIS continues to adjudicate EAD applications by SIJs with deferred action
2 under the (c)(14) eligibility category consistent with the regulation at 8 C.F.R. § 274a.12(c)(14),
3 including EAD applications filed by SIJs who obtained deferred action through the former SIJ
4 deferred action process.

5 6. The NBC is the office that adjudicates Form I-765 applications filed by applicants
6 with deferred action seeking an EAD based on the (c)(14) eligibility category, including SIJs
7 who received deferred action through the former SIJ deferred action process.

8 7. Since April 7, 2025, USCIS has adjudicated and, if the applicant is eligible,
9 approved Form I-765 applications based on the deferred action (c)(14) eligibility category,
10 including EAD applications filed by SIJs who obtained deferred action through the former SIJ
11 deferred action process.

12 8. The organizational plaintiffs allege that they will have to divert resources to assist
13 their 100+ SIJ clients because these individuals will now be subject to removal proceedings and
14 will need more assistance to obtain basic necessities without employment authorization.
15 USCIS' Office of Performance and Quality (OPQ) is able to track certain petitioner and
16 applicant data, to include, in many cases, the name of the agency of the alien's attorney of
17 record. Due to the very narrow time constraints associated with this litigation, USCIS is not
18 able to obtain data to verify whether the two organizational plaintiffs represent this number of
19 SIJ classified aliens.

20 9. USCIS announced on June 6, 2025, that it will no longer automatically conduct
21 deferred action determinations for aliens with SIJ classification who cannot apply for
22 adjustment of status solely because an immigrant visa is not immediately available. This
23 updated policy guidance reflects that USCIS will no longer automatically consider granting
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1 deferred action to SIJ-classified aliens. However, the updated guidance does not change the
2 agency's longstanding policy that any alien, including those with SIJ classification, may request
3 deferred action by submitting a Form G-325A, Biographic Information (for Deferred Action), to
4 the proper USCIS intake facility, along with supporting evidence of the underlying basis for the
5 request for deferred action. USCIS reviews deferred action requests on a case-by-case basis and
6 considers all positive and negative factors when considering whether to exercise discretion to
7 defer removal action. Although USCIS will no longer automatically and categorically consider
8 granting deferred action to SIJ-classified aliens who do not have a visa available, such
9 individuals may still apply for deferred action on a case-by-case basis, pursuant to USCIS'
10 deferred action policy, described in the USCIS Policy Manual, Volume 1, Part H, Chapter 2,
11 Subsection A., 4. As explained in the Policy Alert, USCIS will not automatically consider
12 deferred action solely on the basis that an alien has SIJ classification and no visa available.
13 However, an alien who has SIJ classification may still be granted deferred action on a case-by-
14 case basis, if sufficient positive factors support a favorable exercise of USCIS' discretion,
15 consistent with USCIS's longstanding deferred action policy.
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18 **Allegations of Harm to the Government and the Public Interest**

19 10. USCIS determined that the discontinuation of the SIJ Deferred Action Policy is
20 necessary to more closely align agency policies and procedures with statutory requirements and
21 authorities. Further, this policy adheres to Executive Order 14161, "Protecting the United
22 States From Foreign Terrorists and Other National Security and Public Safety Threats" (January
23 20, 2025) and USCIS has determined it is in the national and public interest to revert to the
24 policy prior to March 7, 2022.
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ROSE M
KENDRICK

Digitally signed by ROSE M
KENDRICK
Date: 2025.08.13 12:38:18
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Executed on: August 13, 2025

Rose Kendrick
Acting Center Director
National Benefits Center
Field Operations Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security