



CAUTION: Some guidance in this document has been impacted by the court's decision of Jan. 14, 2026. Practitioners are advised to review the Feb. 18, 2026 status update explaining that decision.

**Frequently Asked Questions:
The Impact of the Court's Stay Order in *A.C.R. v. Noem*¹**

December 1, 2025

On November 19, 2025, the U.S. District Court for the Eastern District of New York [stayed](#) U.S. Citizenship and Immigration Services' (USCIS) [2025 rescission](#) of the 2022 policy under which it had automatically considered a grant of deferred action for Special Immigrant Juvenile Status (SIJS) beneficiaries. *A.C.R. v. Noem*, No. 25-cv-3962 (E.D.N.Y.). **The 2022 SIJS Deferred Action Policy is therefore back in effect, and the government must once again process deferred action adjudications and renewals. Moreover, SIJS beneficiaries with deferred action are again able to apply for work authorization.** The court agreed that Plaintiffs are likely to succeed on the merits, finding the policy reversal unlawful under the Administrative Procedure Act (APA). The opinion recognized the government's failure to consider reliance interests and alternatives, and it acknowledged the irreparable harm that flows from the increased risk of removal SIJS beneficiaries face in the absence of deferred action.

Read the court's November 19 stay order [here](#).

Read the 2022 SIJS Deferred Action Policy reinstated by the court's order [here](#).

- 1. Who is entitled to relief under the November 19 order? Is it only the nine individual named plaintiffs? Is it limited to SIJS beneficiaries within the Eastern District of New York?**

The November 19 order staying the government's rescission of the 2022 SIJS Deferred Action Policy applies to all SIJS beneficiaries nationwide who, under the terms of the 2022 policy, would have been or will be eligible for consideration of deferred action. The order is not geographically limited. The court reserved judgment on Plaintiffs' motion for class certification, concluding that class certification was unnecessary for purposes of granting a stay of the 2025 rescission. While the court's stay order means that all SIJS beneficiaries nationwide once again can benefit from the 2022 SIJS Deferred Action Policy, one provision is limited to the nine individual plaintiffs: the court enjoined the government from removing them during the pendency of the litigation.

¹ This resource was created for the convenience of practitioners and is not a substitute for independent legal advice provided by legal counsel familiar with a client's case.

2. Can SIJS beneficiaries whose deferred action expiration date is approaching file a request for a renewal of their deferred action and work authorization?

Yes, because the 2025 rescission is stayed, a renewal request for deferred action may be filed on [Form G-325A](#) 150 days before deferred action expires, which will occur as soon as December 6, 2025, for some SIJS beneficiaries. See [Form G-325A Instructions](#) at 1 (stating that the form is used to request a “subsequent period of SIJ deferred action”). SIJS beneficiaries renewing their deferred action can request corresponding work authorization in Part 3 of Form G-325A and thus should not need to file a separate Form I-765 application. See [Form G-325A Instructions](#) at 4 (noting that “[r]equesting employment authorization upon a grant of deferred action using the Form G-325A is an alternative to submitting a separate Form I-765, Application for Employment Authorization, under the (c)(14) employment authorization category” and that “[a] request for employment authorization for those with SIJ deferred action is fee exempt”).

3. Can SIJS beneficiaries who already have deferred action immediately apply for work permits?

Yes, because the rescission is stayed, SIJS beneficiaries who were granted deferred action but have not yet applied for corresponding work authorization can use Form I-765 to apply for work permits.

4. What about SIJS beneficiaries with deferred action whose work authorization application is pending with USCIS?

For those SIJS beneficiaries with deferred action who already have a pending work authorization application, USCIS must adjudicate it.

5. Does the court’s order benefit those who were granted SIJS without deferred action on or after April 7, 2025, but *before* the November 19 order was issued?

Yes, it does. Because the court held that the 2025 rescission violated the APA, USCIS acted unlawfully when it declined to consider deferred action based on SIJS starting on April 7. The court’s holding that “[t]he government must . . . conduct deferred-action and employment-authorization adjudications pursuant to the 2022 Policy Alert,” slip op. at 44–45, thus requires such adjudications for SIJS beneficiaries who were unlawfully deprived of consideration for deferred action under the now-stayed 2025 rescission policy. Moreover, the court noted that the government “does not dispute that it acted unlawfully” when it failed to follow its own procedures between April 7 and June 6, 2025. Slip op. at 40.

6. How soon must the government conduct deferred action adjudications in light of the court’s order?

The court’s order does not require deferred action adjudications to take place on any specific timeline. Practitioners are encouraged to contact the counsel team by sending an email to Becca Brown, Ellie Norton, and Wendy Wylegala (rbrown@publiccounsel.org, ellie@nipnlg.org, wwylegala@supportkind.org) if ICE is taking steps to imminently remove a SIJS beneficiary

who has not yet received a deferred action adjudication, for example, if ICE detains a young person with a final removal order whose SIJS petition was approved on or after April 7 without a deferred action adjudication.

7. Should practitioners file Form G-325A now for clients whose SIJS petitions were approved on or after April 7, 2025, without a deferred action adjudication?

Not necessarily. The order reinstates the 2022 SIJS Deferred Action Policy, under which no separate request for deferred action was required, and USCIS would automatically conduct deferred action adjudications for those with approved SIJS petitions awaiting a visa. Accordingly, filing Form G-325A is not required. Practitioners can consider whether there are strategic reasons for filing the request based on a client's individual circumstances, and if doing so, may want to consider submitting additional evidence in support of a favorable exercise of discretion rather than relying solely on the SIJS approval. A very important consideration for clients not in removal proceedings is that under [a USCIS policy issued on February 28, 2025](#), the denial of a request on Form G-325A, as with the denial of any benefit application, could result in issuance and filing of a Notice to Appear, initiating removal proceedings.

8. What about youth whose SIJS petitions were approved without a deferred action adjudication on or after April 7, 2025, and whose subsequently filed Form G-325A is pending? Should they take additional steps now?

If Form G-325A is pending, it may be helpful to submit to USCIS a short letter citing the November 19 [order](#) and explaining that because it stayed the rescission of the SIJS Deferred Action Policy, USCIS must apply the 2022 policy. In doing so, practitioners can again consider including additional evidence to support a favorable exercise of discretion.

9. For youth who received SIJS approvals without a deferred action adjudication on or after April 7, 2025, and later filed a Form G-325A that was denied, will those denials be newly considered? What steps are recommended?

Youth in these circumstances are entitled to a deferred action adjudication under the 2022 policy. No further action is required to receive this adjudication.

10. Will SIJS petition approval notices issued after the court's November 19 order contain deferred action decisions? Is there anything practitioners should do in cases where a client's SIJS petition is pending to ensure the client gets a deferred action adjudication upon SIJS petition approval?

While a SIJS petition is pending, no further action is necessary to receive a deferred action adjudication. The order requires USCIS to consider deferred action for youth whose SIJS petitions are approved, but the adjudication is not required to be concurrent with SIJS approval; no timeline is specified.

11. Should we file applications for work permits concurrently with new SIJS petitions (I-360), or for clients with SIJS petition approvals who have not received deferred action?

No. Consistent with the 2022 policy, we do not recommend filing Form I-765 until deferred action is approved. As noted above (see Question 2), however, if a SIJS beneficiary is applying to *renew* deferred action, Form G-325A provides for concurrent application for renewed work authorization.

12. Does the decision provide relief to a SIJS beneficiary whose grant of deferred action was terminated?

No, but please report SIJS deferred action terminations on the End SIJS Backlog Coalition's [survey](#).

13. How long will the court's stay order be in place? Should we try to get pending SIJS petitions expedited to maximize clients' chances of benefiting?

We cannot predict whether the government will try to appeal or seek to stay the district court's decision. Nothing in the court's order requires USCIS to expedite SIJS petitions, and we don't know how adjudicators will respond to requests to expedite.

14. What happens if USCIS "considers" SIJS beneficiaries for deferred action but unjustifiably declines to exercise their discretion to approve deferred action—will the court be able to do something about that?

While there is no entitlement to a grant of deferred action, a low grant rate would raise serious questions about the government's compliance in good faith with the court's order. It is therefore critical to track adjudication results. Please report deferred action grants or denials issued after the November 19 order by completing the End SIJS Backlog Coalition's [survey](#).

15. In what situations should we complete an End SIJS Backlog Coalition survey?

Practitioners are encouraged to complete the [Coalition's survey about SIJS deferred action](#) in the following scenarios:

- To report an adjudication of SIJS deferred action made by USCIS on or after November 19, 2025
- To report a decision by USCIS to terminate a prior grant of SIJS deferred action