



## Updated Guidance to Practitioners in Light of Recent Developments in *A.C.R. v. Noem*<sup>1</sup>

February 18, 2026

This resource describes recent developments in the *A.C.R. v. Noem* litigation and in particular the implications of the court’s January 14, 2026 decision denying Plaintiffs’ motion to clarify or reconsider an aspect of the court’s November 19, 2025 order.

### Background on *A.C.R. v. Noem*, No. 25-cv-3962 (E.D.N.Y.) and November 19 Stay Order

*A.C.R. v. Noem* is a lawsuit challenging the government’s 2025 rescission of the 2022 policy under which noncitizen youth approved for Special Immigrant Juvenile Status (SIJS) were considered for deferred action (DA) and, if granted DA, eligible for a work permit (the SIJS DA Policy). On November 19, 2025, the court issued a [decision](#) staying the 2025 rescission of the SIJS DA Policy under the Administrative Procedure Act (APA) and ordering that “the government . . . conduct deferred-action and employment authorization adjudications pursuant to the 2022 Policy Alert.” However, the court’s order denied Plaintiffs’ request to impose timing requirements for such adjudications; in other words, it does not require USCIS to issue a decision on deferred action at the time it approves a SIJS petition, or on any specific timeline. Further, a footnote in the order stated that the decision “should not be read to suggest that USCIS remains bound by the [pre-rescission version of the] Policy Manual or any prior *presumption* in favor of granting deferred action to SIJS recipients.” Plaintiffs believe that the USCIS [Policy Manual in effect as of April 6, 2025](#) was an integral part of the SIJS DA Policy, including in particular the Policy Manual provision specifying that the approval of a SIJS petition (Form I-360) is “[o]ne particularly strong positive factor that weighs heavily in favor of granting deferred action.” Plaintiffs thus moved on December 3, 2025, for clarification or reconsideration of that aspect of the November 19 decision.

### The Court’s January 14, 2026 Decision and Other Recent Updates

On January 14, 2026, the court issued an [opinion](#) explaining its decision to deny Plaintiffs’ motion to clarify or reconsider part of the November 19 decision. The opinion states that the court’s November 19 stay order does not require USCIS to “treat SIJ status as a ‘strong factor that weighs heavily in favor of granting deferred action,’” nor to follow any provisions in the pre-rescission Policy Manual that exceed the scope of USCIS’s [March 2022 Policy Alert](#). The sole exception is for young people whose SIJS petitions were approved on or after April 7, 2025, and before June 6, 2025—the date USCIS publicly announced the rescission of the SIJS DA

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<sup>1</sup> This resource was created for the convenience of practitioners and is not a substitute for independent legal advice provided by legal counsel familiar with the case.

Policy. The court held that this group of young people is entitled to a SIJS DA adjudication pursuant to the pre-rescission Policy Manual, which among other things requires USCIS to treat a SIJS approval as a particularly strong positive factor that weighs heavily in favor of granting deferred action. **However, for those SIJS beneficiaries whose SIJS petition was approved on or after June 6, 2025, the court’s decision means that they are now subject to a significantly less favorable standard than the standard in place under the prior SIJS DA Policy for the DA adjudication they are entitled to receive pursuant to the November 19 order. SIJS beneficiaries who received deferred action under the prior policy and are applying to renew their deferred action are also subject to this less favorable standard.**

On February 3, 2026, Plaintiffs appealed the aspect of the court’s decision finding that SIJS beneficiaries whose petitions were approved on or after June 6, 2025, as well as those applying for DA renewals, are not entitled to a DA adjudication pursuant to the pre-rescission Policy Manual. Plaintiffs’ appeal is currently pending at the U.S. Court of Appeals for the Second Circuit.

On February 9, 2026, the government informed the district court that USCIS “intends to revisit its deferred action program for individuals with SIJ classification and determine if the program will be continued as is, revised, or terminated” by early April.

### **Key Takeaways for Practitioners While Second Circuit Appeal of January 14, 2026 Decision Is Pending**

The November 19 order means that all SIJS beneficiaries nationwide are once again entitled to DA adjudications—**though not on any timeframe**. Specifically:

- Those SIJS beneficiaries whose SIJS petitions were approved on or after April 7, 2025 without any DA adjudication are now entitled to an automatic DA adjudication from USCIS. They need not file a Form G-325A or any separate request to receive this adjudication.
- Those SIJS beneficiaries who already have DA are eligible to apply for work authorization by filing Form I-765 (category (c)(14)) with proof of their DA grant.
- Those SIJS beneficiaries who already have DA and whose DA will expire in 150 days or fewer can file a DA renewal request with USCIS using Form G-325A. [Here](#) is a sample SIJS DA renewal packet.

Unfortunately, although SIJS beneficiaries are now again entitled to DA adjudications under the November 19, 2025 order, the January 14, 2026 decision allows USCIS to apply a different and less favorable standard when adjudicating SIJS DA—except for those young people whose SIJS petitions were approved on or after April 7, 2025, and before June 6, 2025. This may mean that taking steps to hasten a DA adjudication could result in a prompt DA denial. This, in turn, could lead to immigration enforcement, in light of the [USCIS Notice to Appear \(NTA\) Policy](#). It is critical that practitioners discuss with their clients the risks and benefits of actively seeking a SIJS DA adjudication or renewal in light of the January 14 decision. The calculus could shift significantly if the Second Circuit rules in favor of the Plaintiffs in the pending appeal.

Below are some considerations for specific groups of SIJS beneficiaries:

- **SIJS beneficiaries whose SIJS petitions were approved on or after April 7, 2025 and before June 6, 2025.** These youth are entitled to a SIJS DA adjudication that gives appropriate weight to the SIJS approval and the factors underlying the SIJS approval, as set forth in the pre-rescission Policy Manual. While the court did not order any timeframe by which USCIS had to conduct these adjudications, as of February 2026, practitioners have reported grants of SIJS DA for some young people in this posture—without the young person having filed any G-325A or separate DA request.
  - Again, no Form G-325A or separate DA request is required; USCIS must automatically adjudicate DA without any action on the part of the SIJS beneficiary.
- **SIJS beneficiaries whose SIJS petitions were approved on or after June 6, 2025.** These youth are also entitled to a SIJS DA adjudication without needing to file any separate request. Unfortunately, however, given the court’s January 14 decision, USCIS is permitted to disregard the favorable DA standard articulated in the pre-rescission USCIS Policy Manual for this group of young people. Thus, it is possible that if and when USCIS conducts DA adjudications for this group of young people, it may deny them DA—particularly given the Trump Administration’s general policy against granting DA.<sup>2</sup> Accordingly, filing Form G-325A or otherwise seeking an accelerated SIJS DA adjudication is unlikely to be advantageous for this group.
  - As of the date of this resource, Plaintiffs’ counsel team was aware of only a single SIJS DA adjudication for a young person whose SIJS petition was approved on or after June 6, 2025. These young people’s interests may be best served by awaiting the Second Circuit’s ruling on the appropriate standard for consideration of SIJS DA and then reconsidering what, if any, action to take related to DA.
  - If a SIJS beneficiary in this group decides, after being thoroughly informed of the risks and benefits (including the risk of immigration enforcement), that they wish to take the non-required step of affirmatively seeking a DA adjudication by filing Form G-325A, it is recommended that they include substantial evidence of positive equities.
  - Young people whose SIJS petitions were approved on or after June 6, 2025, could also consider “inter-filing” evidence of positive equities via a letter submission to the National Benefits Center, but not filing a G-325A request. The purpose of this strategy would be to decrease the chances of a DA denial if and when USCIS conducts a DA adjudication for the young person—the timing of which is outside of the control of SIJS beneficiaries.

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<sup>2</sup> See [Internal Memo from USCIS Director, “Rescission of Special Immigrant Juvenile \(SIJ\) Deferred Action Policy”](#) at 4 (dated June 6, 2025) (discussing April 4, 2025 memorandum from the DHS Secretary entitled “Guidance on Deferred Action,” which directs that “[d]eferred action should be exercised judiciously and only in compelling cases”).

- **SIJS beneficiaries with DA whose DA is expiring in 150 days or fewer.** The January 14 decision also appears to permit USCIS to not consider SIJS approval as a particularly strong positive factor for those SIJS beneficiaries filing deferred action renewal requests. As of the date of this resource’s issuance, the counsel team is not aware of any SIJS DA renewal adjudications, though some renewal applicants have received biometrics appointments.
  - Again, practitioners should carefully counsel SIJS beneficiaries about the pros and cons of filing a renewal application so that an informed decision can be made, including consideration of the impacts of [USCIS’s NTA policy](#). However, the risk/benefit calculus for SIJS beneficiaries in this posture is different than for the group discussed in the previous section. There are several reasons for this. For one, these young people have already been relying on the work authorization they gained through their prior DA grant and the harms of losing it might weigh heavily in the young person’s calculus. **Further, if USCIS acts on its stated intention to issue a new SIJS DA rescission decision in early April (one that presumably will once again foreclose DA renewals), it may be advantageous to file a renewal request before any new rescission policy is issued.** This could preserve at least the possibility that the renewal will eventually be adjudicated under the November 19 stay and possibly under a favorable standard if the pending appeal is successful, while also carrying the risk of prompting immigration enforcement, as mentioned above.
  - The End SIJS Backlog Coalition put together [this sample SIJS deferred action renewal packet](#). Any renewal filing should include substantial evidence of positive equities.

## Conclusion

The court’s January 14 decision creates uncertainty for many SIJS beneficiaries who are awaiting the DA adjudication to which they are entitled under the November 19 order. Plaintiffs’ counsel will continue fighting the case and will share updates when available. In the meantime:

- Counsel for SIJS beneficiaries who have not received DA and are at imminent risk of removal are encouraged to contact Plaintiffs’ counsel at [ellie@nipnlg.org](mailto:ellie@nipnlg.org), [wwylegala@supportkind.org](mailto:wwylegala@supportkind.org), [sgaly@supportkind.org](mailto:sgaly@supportkind.org), and [rbrown@publiccounsel.org](mailto:rbrown@publiccounsel.org); and
- Advocates are encouraged to complete the End SIJS Backlog Coalition’s [SIJS Deferred Action survey](#) to report (1) adjudications of SIJS deferred action (including renewals) made on or after November 19, 2025, and (2) decisions by USCIS to terminate a prior grant of deferred action.

**For more information on the *A.C.R.* litigation, visit the litigation pages of the [National Immigration Project](#), [KIND](#), and [Public Counsel](#), which include key filings in the case.**