



U.S. Citizenship  
and Immigration  
Services

# Special Immigrant Juvenile (SIJ) Policy Updates



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**U.S. Citizenship and Immigration  
Services (USCIS)**

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April 27<sup>th</sup>, 2022

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# SPECIAL IMMIGRANT JUVENILE (SIJ) CLASSIFICATION: OVERVIEW



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- 🇺🇸 **Immigration benefit for certain noncitizen children** who cannot be reunified with one or both parents due to abuse, abandonment, neglect or a similar basis under state law
- 🇺🇸 **Pathway to lawful permanent resident (LPR) status**





# SIJ CLASSIFICATION: ELIGIBILITY CRITERIA

- 🔥 Under 21 at time of filing with USCIS
- 🔥 Unmarried
- 🔥 Physically present in the U.S.
- 🔥 Subject of state juvenile court order(s) with required determinations on:
  - 🔥 Dependency or custody,
  - 🔥 Parental reunification, and
  - 🔥 Best interests.
- 🔥 Eligible for USCIS consent



# SIJ CLASSIFICATION: PROCESS



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Juvenile Court Process



SIJ Classification: Form I-360



SIJ-based LPR Status: Form I-485

# UPDATE: SIJ FINAL RULE



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## Key Clarifications and Changes:

- Removes the automatic revocation ground for marriage
- Petitioners cannot be required to contact their alleged abuser while USCIS makes a decision in their SIJ case and related application for adjustment
- Clarifies that an SIJ petitioner may have an attorney, accredited representative, and/or trusted adult present, if an interview is scheduled
- Clarifies that USCIS may consent to a grant of SIJ classification when the petitioner has provided evidence of court-ordered relief from parental abuse, neglect, abandonment, or a similar basis under state law, as well as evidence of the factual basis for a juvenile court's determinations

# UPDATE: SIJ DEFERRED ACTION



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- USCIS updated the USCIS Policy Manual to consider **deferred action and related employment authorization** for noncitizens classified as SIJs who are ineligible to apply for adjustment of status to LPR status solely because a visa is not immediately available
- **Effective on May 6, 2022**

# UPDATE: SIJ DEFERRED ACTION



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## Policy Highlights:

- USCIS will automatically conduct deferred action determinations for eligible noncitizens with SIJ classification who cannot apply for adjustment of status because an immigrant visa is unavailable
- A grant of deferred action for eligible SIJs is for a period of 4 years
- An SIJ who has been granted deferred action by USCIS may apply for and be granted employment authorization for the period of deferred action by filing an Application for Employment Authorization (Form I-765) under the (c)(14) category

# UPDATE: SIJ DEFERRED ACTION



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## Updating Your Address with USCIS:

- USCIS will notify you of its decision to grant or not grant deferred action by issuing a notice to the address on file.
- SIJ classified noncitizens who have moved since their Form I-360 was approved should update their address with USCIS to ensure that they receive immigration related correspondence, including correspondence related to deferred action.

# UPDATE: SIJ DEFERRED ACTION



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## Updating Your Address with USCIS:

- If you already received SIJ classification, you may file Form AR-11 online at USCIS.gov using the *Change of Address* page, or mail Form AR-11 to:

U.S. Department of Homeland Security  
Citizenship and Immigration Services  
Attn: Change of Address  
1344 Pleasants Drive  
Harrisonburg, VA 22801

- If your I-360 SIJ petition is still pending, you must submit Form AR-11 by mail to the above address.
- More information on changing your address with USCIS can be found at <https://www.uscis.gov/addresschange>

# UPDATE: SIJ DEFERRED ACTION



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## CASE STATUS ONLINE

Use this tool to track the status of an  
immigration application, petition, or  
request.

Enter a Receipt Number [?](#)

CHECK STATUS

[DHS PRIVACY NOTICE](#)



# UPDATE: SIJ DEFERRED ACTION



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## Filing Form I-765:

- SIJ classified noncitizens who have been granted deferred action may file Form I-765, Application for Employment Authorization, indicating category (c)(14).
- Form I-765 must be accompanied by the proper fee or a Form I-912, Request for Fee Waiver.
  - If requesting a fee waiver, include a copy of the Form I-797 Notice of Action approving Form I-360.
- Form I-765WS is not required.
- Depending on your state of residence, file Form I-765 with the Chicago Lockbox or the Phoenix Lockbox, **Attn: SIJ DA**
  - Additional information on where to file will be posted at <https://www.uscis.gov/i-765-addresses>



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# Q&A

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- Author: USCIS
- Date of last revision: April 27, 2022
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