



U.S. Citizenship
and Immigration
Services

Special Immigrant Juvenile (SIJ) Classification and Recent Policy Updates



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

February 9, 2023

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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 (Green Card)**





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

Juvenile Court Process



SIJ Classification: Form I-360



SIJ-based LPR Status: Form I-485

PETITIONING FOR SIJ CLASSIFICATION



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🔥 Required evidence

- Qualifying juvenile court order(s)
- Evidence of your age
- Written consent from U.S. Dept. of Health and Human Services (if applicable)

🔥 Filing a petition

- Form I-360
- Form G-28 if you have an attorney or accredited representative
- No filing fee
- Include supporting evidence
- Mail packet to address on our website

Petition for Amerasian, Widow(er), or Special Immigrant USCIS Form I-360 (08/01/96; 10/15/02) Expires 04/30/2024

Department of Homeland Security
U.S. Citizenship and Immigration Services

File USCIS Use Only Fee Stamp Action Blank

Received
Resubmitted
Educational Received
Not

Remarks:
 Petitioner Applicant Interviewed
 Interviewed Beneficiary Interviewed
 I-485 Filed Concurrently
 Date "A" File Received

Classification
Consulate
Priority Date

To be completed by an Attorney or Accredited Representative (if any).
 Select this box if Form G-28 or G-28 is attached.

Attorney State Bar Number (if applicable)
Attorney or Accredited Representative USCIS Online Account Number (if any)

▶ **START HERE - Type or print in black ink.**

Part 1. Information About Person or Organization Filing This Petition

NOTE: You must complete Part 1, as the petitioner if you are filing this petition on behalf of another person. If you are a Violence Against Women Act (VAWA) self-petitioner or special immigrant juvenile, skip to Part 1, Item Number 1.

1. Your Full Name
Family Name (Last Name) Given Name (First Name) Middle Name

2. USCIS Online Account Number (if any) 3. U.S. Social Security Number (if any)

▶ [] 4. Alien Registration Number (A-Number) (if any) 5. Individual IRS Tax Number (if any)

▶ A- [] ▶ []

6. Mailing Address (USPS ZIP Code Lastline)
In Care Of Name (if any)

Organization Name (if applicable)

Street Number and Name Apt. Svc. Flr. Number

City or Town State ZIP Code
[-]

Province Postal Code Country

Form I-360 Edition: 07/15/22 Page 1 of 19

AFTER YOU FILE FORM I-360



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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](#)



FILING FOR A GREEN CARD



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- File Form I-485 if visa number is current
- Valid Form I-693
- Form G-28 if you have an attorney or accredited representative
- Filing fee or fee waiver
- Mail packet to address on the USCIS website
- Will be scheduled for biometrics



Visa Bulletin is at www.travel.state.gov



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Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C	C
2nd	C	01APR19	C	01DEC14	C	C
3rd	C	22MAR18	C	15JAN12	C	C
Other Workers	08MAY19	01JUN12	08MAY19	15JAN12	08MAY19	08MAY19
4th	C	C	08NOV17	C	01APR20	C
Certain Religious Workers	C	C	08NOV17	C	01APR20	C
5th Unreserved (including C5, T5, I5, R5)	C	22NOV15	C	C	C	C
5th Set Aside: Rural (20%)	C	C	C	C	C	C
5th Set Aside: High Unemployment (10%)	C	C	C	C	C	C
5th Set Aside: Infrastructure (2%)	C	C	C	C	C	C





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SIJ UPDATES

UPDATE: SIJ FINAL RULE



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Key Clarifications and Changes:

- Removes the ground for automatic revocation upon marriage of the petitioner after approval of the I-360 and prior to adjustment
- 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**

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UPDATE: SIJ DEFERRED ACTION



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Policy Highlights:

- USCIS automatically considers granting deferred action to eligible noncitizens with SIJ classification who cannot apply for adjustment of status because an immigrant visa is unavailable, including those who become newly eligible for consideration due to a visa regression
- 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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Case by Case Determinations:

USCIS examines the **totality of the circumstances** in an individual case to weigh the positive and negative factors to determine whether to exercise discretion to grant deferred action.

- **Positive Factor:** The fact that an individual has been approved for SIJ classification is a strong positive factor in favor of exercising discretion to grant deferred action.
- **Negative Factor:** If background and security checks indicate that an SIJ-classified individual may be subject to an inadmissibility ground under INA 212(a) that cannot be waived and that would make them ineligible for SIJ-based adjustment of status, this would generally be a strong negative factor weighing against the favorable exercise of discretion.

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 all immigration related correspondence, including correspondence related to deferred action.

UPDATE: SIJ DEFERRED ACTION



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Updating Your Address with USCIS:

- If you have a pending or approved petition for SIJ classification, you may file Form AR-11 online at [USCIS.gov](https://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

- 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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Updating Your Address with USCIS:

For attorneys or accredited representatives to update their client's address for purposes of deferred action:

- Submit a new Form G-28 or a letter to the National Benefits Center, indicating the receipt number or providing a copy of the I-360 receipt or approval notice.
- Do not combine requests to update the address for multiple approved Form I-360s into one letter; each request must be on a separate G-28 or letter.
- **You can mail the request to:**
 - U.S. Department of Homeland Security
 - Citizenship and Immigration Services
 - National Benefits Center, Overland Park
 - Attn: Special Immigrant Juvenile
 - P.O. Box 25920
 - Overland Park, KS 66225

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: I-765 C14**
 - Additional information on where to file will be posted at uscis.gov/i-765-addresses

COMMUNICATION WITH USCIS



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- USCIS has discontinued the SIJ NBC email box for general inquiries
- You may reach out to the USCIS Contact Center for SIJ-related requests, and an internally trackable inquiry will be generated that will go to the appropriate office for resolution
- For additional information on communication with USCIS and other topics, please see the [FAQ from the April 27, 2022, SIJ Engagement](#) on the USCIS website

PRE-SUBMITTED QUESTIONS



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1. When will the deferred action assessment occur related to the I-360 assessment? At the same time? With the same officer?
2. How can an individual contact USCIS if they do not receive a notice of a deferred action decision?
3. Given the recission of automatic revocation if applicant is married after I-360 application was approved, would there be any consequences related to I-360 approval if applicant is married?

PRE-SUBMITTED QUESTIONS (CONT.)



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4. If a youth has SIJ classification and gets in trouble with the law. Sentenced to 5 years. After serving his time, will this stop him from being deported?
5. Applicant applied for I-360 and I-485. I-360 was approved but the I-485 cannot be approved because the priority date is not current (visa is not available). How can the applicant request a Deferred Action determination so he/she can apply for an EAD and SS while the case is waiting for a visa number to be available?

PRE-SUBMITTED QUESTIONS (CONT.)



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6. Is there an alternative to reaching out to the Contact Center to make a SIJ specific inquiry (for example when the I-360 remains unadjudicated over 6 months or even for rescheduling biometrics or any other related matter)?
7. With the retrogression of available visa numbers for SIJS, would USCIS consider giving deferred action to all approved SIJS petitioners whose priority dates are not current?

RESOURCES



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- Regulatory Citations: [8 CFR 204.11](#); [205.1\(3\)\(iv\)](#); [245.1\(e\)\(3\)](#)
- SIJ Final Rule: [87 FR 13066](#)
- USCIS Policy Manual guidance
 - [Volume 6, Part J: Special Immigrant Juveniles](#)
 - [Volume 7, Part F: Special Immigrant-Based \(EB-4\) Adjustment of Status, Chapter 7, Special Immigrant Juveniles](#)
- SIJ Landing Page: <https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-fourth-preference-eb-4/special-immigrant-juveniles>
- Adjudications Data: <https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data>

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