

Congress of the United States

Washington, DC 20515

June 5, 2025

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

The Honorable Kika Scott
Senior Official Performing the Duties of the Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20746

Dear Secretary Noem and Acting Director Scott:

We write to express our concern regarding recent changes seen in determinations of deferred action for youth with special immigrant juvenile status (SIJS), and to request further information about SIJS deferred action policy and adjudications. Since early April, SIJS recipients have been receiving SIJS approval notices without deferred action determinations. This leaves abused and abandoned youth in legal limbo while heightening their vulnerability to exploitation.

Congress created SIJS in 1990 to provide permanent protection to immigrant children who have survived parental abuse, abandonment, neglect, or similar harms and whose return to their country of origin would not serve their best interests.¹ If a state juvenile court determines that it is not viable to reunify a young person with their parent due to abuse, abandonment, or neglect, they may petition U.S. Citizenship and Immigration Services (USCIS) for SIJS. If approved by USCIS, a SIJS recipient may apply for lawful permanent residency (LPR status) when a visa number is available.

Although SIJS is a form of humanitarian protection, visas for SIJS-based adjustment of status derive from the annual allocation of 140,000 employment-based visas and are subject to per-category and per-country caps. The EB-4 category, which encompasses several categories of special immigrants including SIJS, became oversubscribed starting in April 2016, with the number of petitioners seeking visas in that category consistently exceeding the number of available visas. As a result, young people already determined by a court and by USCIS to deserve SIJS protection must wait several years before they can even file their LPR applications. During these prolonged wait times, SIJS recipients remain at continual risk of deportation and are unable to work, limiting their ability to achieve stability and eventual independence.

In March 2022, USCIS announced that to address the prolonged visa backlogs and attendant instability for affected youth, upon approving a SIJS petition, USCIS would also consider granting deferred action to protect the young person from removal and provide an opportunity to apply for work authorization during the years-long wait to adjust to LPR status. While USCIS

¹ Immigration and Nationality Act (INA) § 101(a)(27)(J), 8 U.S.C. § 1101(a)(27)(J).

retained discretion to withhold deferred action where warranted by individual case factors, the vast majority of SIJS recipients received a grant of deferred action.

The SIJS deferred action policy was an acknowledgement of the protracted legal limbo created by visa backlogs, and the impediments it caused for youth seeking stability and self-sufficiency. It also advanced Congressional purpose in creating SIJS, which was to provide immediate and permanent protection to vulnerable children and youth.

Since early April 2025, practitioners who work with SIJS applicants have observed that USCIS has withheld deferred action adjudications for young people whom the agency approves for SIJS even though the USCIS Policy Manual maintains that USCIS will automatically conduct deferred action determinations for each SIJS petitioner without any need to file a request for them to do so.² Because USCIS is not providing SIJS recipients deferred action adjudications, youth who have survived abuse, abandonment, or neglect are being forced again to confront years of legal limbo during which they will be unable to support themselves, and will remain at higher risk of exploitation, abuse, and deportation. In the absence of a durable solution to the SIJS backlog, we believe it is critical that USCIS continue to consider every approved SIJS petitioner for deferred action.

Additionally, we are deeply concerned by reports from practitioners of increased occurrences of detention and deportation of SIJS recipients, with ICE acting to strip SIJS youth of deferred action upon detaining them. Barring other circumstances, seeking removal of SIJS youth who are awaiting visa availability is in direct contravention of congressional intent for the program.

To better understand the agency's handling of SIJS cases and deferred action determinations, please provide information to address the following requests:


- 1) Describe any changes that have been made to the SIJS deferred action program or consideration process since January 20, 2025.
- 2) Describe any changes that have been made to the SIJS deferred action work authorization adjudication process since January 20, 2025.
- 3) Share copies of any memoranda, policy alerts, directives, guidance, or other documents about SIJS deferred action developed since May 2022.
- 4) In how many cases did USCIS approve the Special Immigrant Juvenile Status (Form I-360) petition ("SIJS petition") and grant deferred action during the time period from:
 - a) May 6, 2022 to present?
 - b) April 8, 2025 to present?
- 5) In how many cases did USCIS approve the SIJS petition and not grant deferred action during the time period from:
 - a) May 6, 2022 to present?
 - b) April 8, 2025 to present?
- 6) How many SIJS deferred action grants have been terminated or rescinded during the time period from:

² "A separate request for deferred action is not required, nor will it be accepted, for aliens with SIJ classification who are ineligible to adjust status solely because an immigrant visa number is not immediately available. USCIS automatically conducts deferred action determinations for such persons." U.S. Citizenship and Immigration Services, USCIS Policy Manual, at Vol. 6, Part J, Ch. 4, Sec. G (as of April 2, 2025).

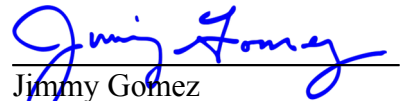
- a) May 6, 2022 to present?
 - b) January 20, 2025 to present?
 - c) April 8, 2025 to present?
- 7) How many SIJS recipients have been detained since January 20, 2025, and what is the basis for their detention?
 - 8) How many SIJS recipients have had their deferred action terminated upon detention since January 20, 2025 and what is the basis for said termination?
 - 9) How many SIJS recipients have been deported since January 20, 2025, and what is the basis for their deportation?

We appreciate your prompt response to these questions and look forward to working with you on this important issue.

Sincerely,



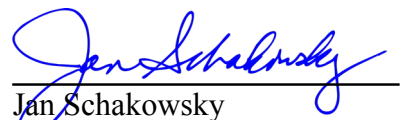
Catherine Cortez Masto
United States Senator



Jimmy Gomez
Member of Congress



Jacky Rosen
United States Senator



Jan Schakowsky
Member of Congress



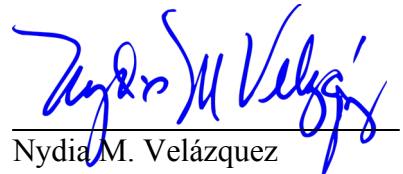
Adam B. Schiff
United States Senator



Zoe Lofgren
Member of Congress



Alex Padilla
United States Senator



Nydia M. Velázquez
Member of Congress



Mazie K. Hirono
United States Senator



Danny K. Davis
Member of Congress



Elizabeth Warren
United States Senator



Lateefah Simon
Member of Congress



Paul D. Tonko
Member of Congress



Pramila Jayapal
Member of Congress



Luz M. Rivas
Member of Congress



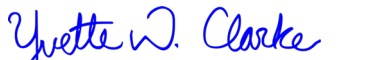
James P. McGovern
Member of Congress



Rashida Tlaib
Member of Congress



Juan Vargas
Member of Congress



Yvette D. Clarke
Member of Congress