

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

RECEIVED

By ESEC at 12:53 pm, Jun 05, 2025

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).

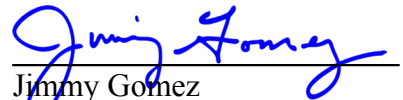
- a) May 6, 2022 to present?
- b) January 20, 2025 to present?
- c) April 8, 2025 to present?
- 7) How many SIJS recipients have been detained since January 20, 2025, and what is the basis for their detention?
- 8) How many SIJS recipients have had their deferred action terminated upon detention since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



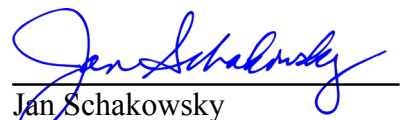
Catherine Cortez Masto
United States Senator



Jimmy Gomez
Member of Congress



Jacky Rosen
United States Senator



Jan Schakowsky
Member of Congress



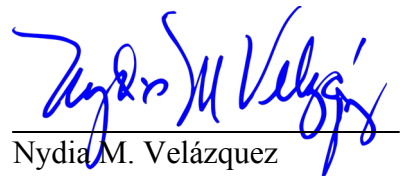
Adam B. Schiff
United States Senator



Zoe Lofgren
Member of Congress



Alex Padilla
United States Senator



Nydia M. Velázquez
Member of Congress

Mazie K. Hirono

Mazie K. Hirono
United States Senator

Elizabeth Warren

Elizabeth Warren
United States Senator

Paul D. Tonko

Paul D. Tonko
Member of Congress

Luz M. Rivas

Luz M. Rivas
Member of Congress

Rashida Tlaib

Rashida Tlaib
Member of Congress

Yvette D. Clarke

Yvette D. Clarke
Member of Congress

Danny K. Davis

Danny K. Davis
Member of Congress

Lateefah Simon

Lateefah Simon
Member of Congress

Pramila Jayapal

Pramila Jayapal
Member of Congress

James P. McGovern

James P. McGovern
Member of Congress

Juan Vargas

Juan Vargas
Member of Congress



Homeland
Security

February 13, 2026

Senator Catherine Cortez Masto
United States Senate
Washington, DC 20515

Dear Senator Cortez Masto:

Thank you for your June 5, 2025 letter to the Department of Homeland Security (DHS) regarding consideration of deferred action for Special Immigrant Juveniles. DHS's responses to your questions are below.

On June 6, 2025, U.S. Citizenship and Immigration Services (USCIS) rescinded the 2022 Policy Alert related to deferred action considerations for aliens classified as Special Immigrant Juveniles. Specifically, USCIS determined it is in the national and public interest to no longer categorically consider deferred action for aliens with an approved Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, based on a Special Immigrant Juvenile classification who are unable to apply to adjust status to lawful permanent resident while awaiting immigrant visa availability. In addition, Congress did not expressly permit deferred action and related employment authorization for aliens approved for Special Immigrant Juvenile classification. Deferred action is a form of prosecutorial discretion in which DHS affirmatively notifies an alien without status or who is otherwise removable from the United States that DHS has chosen not to seek the alien's removal.

On November 19, 2025, the district court in *A.C.R., et al., v. Noem, et al.*, No. 25-CV-3962 (E.D.N.Y. Nov. 19, 2025), ordered that the June 6, 2025 Special Immigrant Juvenile deferred action rescission be stayed. Under the stay, "[t]he government must therefore conduct deferred-action and employment-authorization adjudications pursuant to the 2022 Policy Alert, pending promulgation of a valid rescission policy or further order from [the] Court." While the stay is in effect, USCIS will comply with the court's order and apply the 2022 Policy Alert to the extent required by the court order. This litigation is ongoing, and the agency is contemplating next steps.

As you note within your letter, the Special Immigrant Juvenile classification is available to alien children subject to state juvenile court proceedings related to abuse, neglect, abandonment, or a similar basis under state law. The Special Immigrant Juvenile classification does not render an alien lawfully present, confer lawful status, or result in eligibility to apply for employment authorization.

Current USCIS policy on Special Immigrant Juvenile adjudications is located in the USCIS Policy Manual, Volume 6: Immigrants, Part J, Special Immigrant Juveniles, Chapter 4, Adjudication [6 USCIS-PM J.4].

On May 29, 2025, USCIS published a 60-day notice in the *Federal Register* explaining that the agency intends to revise Form G-325A, Biographic Information (for Deferred Action). Among other changes, this proposal removes references to Special Immigrant Juvenile deferred action from the form.

Between January 20, 2025, and December 22, 2025, U.S. Immigration and Customs Enforcement (ICE) booked 265 aliens with a Special Immigrant Juvenile classification into custody.

Regarding your Question 8, between January 20, 2025, and December 30, 2025, USCIS terminated deferred action for 990 Special Immigration Juvenile-classified individuals. As of January 20, 2025, most of these terminations involved cases with derogatory information (including criminal convictions).

For the data requested for your questions 4-6, 7, and 9, please see the enclosed spreadsheet (“Attachment A”) that includes the charts in the appropriate tabs labeled “Questions 4-6,” “Question 7,” and “Question 9.”¹

Thank you again for your letter. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the DHS Office of Legislative Affairs at (202) 447-5890.

Sincerely,



Kristi Noem
Secretary of Homeland Security

Enclosure

¹ Between January 20, 2025, and December 22, 2025, ICE booked 265 unique aliens with a Special Immigrant Juvenile (SIJ) classification into custody. In “Attachment A”, Question 7, you will notice that ICE booked 397 SIJs by Associated Charge. This metric appears higher due to the fact that aliens may be booked in multiple times due to transfers between facilities, having multiple charges upon book-in, etc.

ICE Removals of Special Immigrant Juvenile Aliens by Final Sustained Removal Charge January 20 – December 22, 2025

Immigration and National Act Charge Section	Immigration and Nationality Act Charge Description	Removals
Total		132
212a6Ai	ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)	109
212a7Ail	IMMIGRANT WITHOUT AN IMMIGRANT VISA	21
212a7Aill	IMMIGRANT WITHOUT AN IMMIGRANT VISA	1
237a1B	NONIMMIGRANT OVERSTAY	1

**ICE Book-Ins of Special Immigrant Juvenile Aliens by Associated Charge,
January 20 – December 22, 2025**

Charge Section	Charge Description	Book Ins
Total		397
212a2Ail	CONVICTION OR COMMISSION OF A CRIME INVOLVING MORAL TURPITUDE	1
212a6Ai	ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)	219
212a7Ail	IMMIGRANT WITHOUT AN IMMIGRANT VISA	94
212a7Aill	IMMIGRANT WITHOUT AN IMMIGRANT VISA	2
237a1B	NONIMMIGRANT OVERSTAY	6
8 USC 1182	ALIEN INADMISSIBILITY UNDER SECTION 212	52
8 USC 1227	DEPORTABLE ALIEN	1
8 USC 1229a	ALIEN REMOVAL UNDER SECTION 212 AND 237	16
8 USC 1251	DEPORTATION ONLY	4
8 USC 1325A1	ENTRY WITHOUT INSPECTION, TIME OR PLACE NOT DESIGNATED	2

I-360, Petition for Amerasian, Widow(er), or Special Immigrant
Special Immigrant Juvenile (SIJ) Deferred Action Granted
For Select Time Periods



U.S. Citizenship
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Time Period	SIJ I-360 Approved With Deferred Action	SIJ Deferred Action Granted (Retroactive)	Grand Total
May 6, 2022 to December 22, 2025	162,799	60,380	223,179
April 8, 2025 to December 22, 2025	69	-	69

Table Key:

- Represents zero or rounds to 0.0.

Note(s):

- 1) This report reflects the most up to date data available at the time the database is queried.
- 2) Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes.
- 3) The counts of "SIJ I-360 Approved With Deferred Action" and "SIJ I-360 Approved Without Deferred Action" reflect Deferred Action decisions concurrent with adjudication.

Source:

Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality
CLAIMS3, queried 12/2025, PAER0019883.

I-360, Petition for Amerasian, Widow(er), or Special Immigrant
Special Immigrant Juvenile (SIJ) Deferred Action Not Granted
For Select Time Periods



**U.S. Citizenship
and Immigration
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Time Period	SIJ I-360 Approved Without Deferred Action	SIJ I-360 Deferred Action Not Granted (Retroactive)	Grand Total
May 6, 2022 to December 22, 2025	45,642	258	45,900
April 8, 2025 to December 22, 2025	42,257	-	42,257

I-360, Petition for Amerasian, Widow(er), or Special Immigrant
Special Immigrant Juvenile (SIJ) Deferred Action Termination
For Select Time Periods



U.S. Citizenship
and Immigration
Services

Time Period	SIJ Deferred Action Terminated
May 6, 2022 to December 22, 2025	1,280
January 20, 2025 to December 22, 2025	965
April 8, 2025 to December 22, 2025	860