



MARCH 2022

DEFERRED ACTION & WORK PERMITS FOR YOUNG PEOPLE WITH **SPECIAL IMMIGRANT JUVENILE STATUS (SIJS)**

WHAT HAPPENED?

On March 7, 2022, U.S. Citizenship & Immigration Services (USCIS) announced a new policy that applies to young people who have been granted special immigrant juvenile status (SIJS) but are not yet able to become a green card holder because they are waiting for a visa to be available (“the visa backlog”).

The new policy, which goes into effect **May 6, 2022**, provides for young people stuck in the visa backlog to be granted deferred action, which will allow them to apply for work authorization.

WHAT IS DEFERRED ACTION?

Deferred action is a form of prosecutorial discretion, which means that an immigration official makes a formal decision not to take action to remove someone from the United States, even though that person may be removable, such as for being here without lawful status. A grant of deferred action offers temporary protection from deportation and the opportunity to apply for work authorization.

WHO WILL THIS NEW POLICY HELP?

The new policy applies to people classified as special immigrant juveniles (SIJs) before, on, or after May 6, 2022 who are in the visa backlog.

SIJs are children and young people who have applied for and been granted a special immigration classification based on having been abandoned, abused, or neglected by a parent. SIJs must go on to apply for a green card in order to gain lawful immigration status. Each country has a certain number of visas allocated for people applying for a green card from that country. Because of the number of people applying from certain countries, SIJs from El Salvador, Guatemala, Honduras, and Mexico face a years-long wait before they can apply for a green card. This new policy is meant to provide protection from deportation and work authorization during that wait for a visa.

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DO SIJs NEED TO APPLY FOR DEFERRED ACTION?

No! USCIS will automatically consider SIJs for deferred action if they are not yet eligible to get a green card because of the visa backlog. **There is no need to submit a separate request for deferred action, nor will USCIS accept one.**

HOW WILL USCIS DECIDE WHETHER TO GRANT DEFERRED ACTION?

USCIS will consider deferred action on a case-by-case basis. This means that USCIS will look to see whether the person has more positive factors in their case than negative ones. USCIS has said that one factor that will weigh heavily in favor of granting deferred action is if the person has an approved petition for SIJS and will be eligible to get a green card once a visa is available. We will know more about what other factors USCIS considers once the policy starts.

FOR HOW LONG WILL SIJs BE GRANTED DEFERRED ACTION?

If USCIS grants deferred action in a case, it will be for four years. USCIS will consider requests for renewal of deferred action if necessary.

WHAT ABOUT GETTING EMPLOYMENT AUTHORIZATION?

An SIJ granted deferred action may apply for and be granted employment authorization (a work permit) for the period of deferred action (in this case, four years). To do so, the person files an Application for Employment Authorization ([Form I-765](#)), indicating eligibility category (c)(14).

IF AN SIJ GETS DEFERRED ACTION AND EMPLOYMENT AUTHORIZATION THROUGH THIS PROCESS, CAN THEY LOSE IT?

Yes. USCIS reserves the right to terminate deferred action and revoke employment authorization at any time as a matter of discretion.

WHAT CAN BE DONE NOW TO BENEFIT FROM THIS POLICY?

Young people who have already applied for or been granted SIJS should make sure their address is updated with USCIS so that they receive their deferred action decision (if applicable) once the policy starts. Young people who have an attorney helping them with their case should check in with their attorney to see if they suggest taking any other steps. Young people who have not yet applied for SIJS but think they might be eligible should talk to an immigration attorney to see what their options might be.

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WHERE CAN I LEARN MORE?

Read the official [USCIS policy](#) for more details. Once the policy begins, we will know much more about the process and timing and ILRC will issue updates.

WHAT IF I NEED AN ATTORNEY TO SPEAK WITH ABOUT THIS?

To find a free or low-cost legal service provider in your area, visit the *Immigration Advocates Network's* National Immigration Legal Services Directory at: <https://bit.ly/ianimmhelp>.



Are you a student enrolled in a California Community College or California State University? If so, you are eligible to receive **FREE** immigration legal services!

Find out more by clicking on your corresponding code or by scanning it with your smartphone.



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