July 25, 2025

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Washington, DC 20528

Re: **Policy Manual Updates Regarding Special Immigrant Juvenile Classification and Deferred Action, USCIS Policy Manual Vol. 6, Pt. J, Ch. 4.G**

To Whom It May Concern:

Kids in Need of Defense (KIND) respectfully submits the following comments in response to recent changes to U.S. Citizenship and Immigration Service's (USCIS) Policy Manual and a related Policy Alert published on June 6, 2025, pertaining to deferred action for Special Immigrant Juveniles. KIND is deeply concerned that these changes, coupled with proposed revisions to Form G-325A (Biographic Information for Deferred Action), will eviscerate critical protection against removal to harm for thousands of children and youth to whom USCIS has granted Special Immigrant Juvenile Status (SIJS). Consequently, children and youth recognized by USCIS and state courts as having experienced abuse, abandonment, neglect, or other similar harm such that return to their country of origin is not in the child's best interest could be deported by the Department of Homeland Security as they await visas—risking the very outcomes that Congress enacted specific protections to prevent. The changes would also eliminate access to and renewal of work authorization for thousands of SIJS recipients--impeding access to safe and lawful employment opportunities for eligible youth that can reduce vulnerability to labor exploitation and trafficking, while also eliminating a vital form of government-issued identification that is often necessary for children and youth to access essential services, including medical care.

Although the Policy Alert characterizes this change as necessary to "closely align agency policies and procedures with statutory requirements and authorities," it instead actively undermines SIJ protection--exposing young people to re-traumatization and harm, disregarding congressional intent and the public interest, and creating inefficiencies, uncertainty, and confusion for children, federal agencies, and state courts. The rescission of the SIJ Deferred Action policy is especially alarming amid the Administration's efforts to dramatically expand immigration enforcement and rapid deportations nationwide, including of children and youth, and to implement a range of measures that restrict access to due process, legal services, and humanitarian protection for unaccompanied children and other vulnerable populations.

Contrary to the Administration's broader goals of combatting trafficking, exploitation, and other harm to children, the abrupt rescission of SIJ deferred action only increases the likelihood of such dangers. We urge USCIS to immediately restore the SIJ deferred action policy for current and future SIJ recipients to give full effect to Congress's intent and the SIJ statute and to prevent grave harm to thousands of children and youth.

This comment details the specific impacts of these policy changes for unaccompanied children, as viewed through the lens of KIND's work with thousands of children and youth who are eligible for or who have been granted SIJS and deferred action. KIND is the leading national organization working to ensure that no child faces immigration court alone. KIND has provided legal representation in immigration matters to more than 17,000 children in U.S. immigration proceedings, provided legal rights education to more than 78,000 children in the United States, and formed pro bono partnerships with nearly 900 corporations, law firms, law schools, and bar associations to provide children with pro bono representation. KIND's social services program facilitates support for unaccompanied children, including case management, educational support, access to housing and medical care, community referrals, and other services. KIND also works to address the root causes of child migration and to promote the safety and well-being of children at every phase of migration.

The Elimination of SIJ Deferred Action Contravenes Specific Statutory Protections and Congressional Intent to Protect Vulnerable Children and Youth.

Through its work, KIND has developed extensive experience working with children who have sought protection in the United States owing to abuse, neglect, abandonment, or other similar mistreatment and harm. KIND has witnessed the critical importance of stability and legal protection to children's ability to find safety, recover from trauma, realize dreams and goals, and thrive within their families and communities. We have also witnessed the destabilizing and harmful effects of policies that impede or upend access to protection, and in the process, reactivate children's fears that they may be deported to mistreatment and other harm. Such changes further undermine the trust of children who have previously experienced harm at the hands of adults and children's ability to report risks facing them and to access necessary services and assistance. USCIS' recent shift in course only heightens risks to children—moving from a policy that reduces barriers to protection for children recognized as uniquely vulnerable to one that strips children of protections against removal just as the Administration's enforcement efforts intensify. In doing so, these changes run counter to the intent of Congress and the plain language of the SIJ statute.[1]

Congress first created SIJS in 1990 to address gaps in protection identified by child welfare authorities for undocumented children in state foster care whose long-term safety and wellbeing remained uncertain without a pathway to lawful immigration status.[2] Congress subsequently expanded this

[1] *See* Immigration Act of 1990, Pub. L. No. 101-649, Nov. 29, 1990, at Sec. 153; Dep'ts of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998, Pub. L. 105-119 § 113, 111 Stat. 2440, 2460–61 (codified at 8 U.S.C.A. § 1101(a)(27)(J) (1999)); William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110–457, Dec. 23, 2008, at Sec. 235(d)(1).

[2] *See, e.g.,* Angela Lloyd, *Regulating Consent: Protecting Undocumented Immigrant Children from Their (Evil) Step-Uncle Sam, or How to Ameliorate the Impact of the 1997 Amendments to the SIJ Law*, 15 B.U. PUB. INT. L.J. 237, 238 (2006), https://www.bu.edu/pilj/files/2024/04/Lloyd.pdf; Shannon Aimee Daugherty, *Special Immigrant*

protection through the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) to ensure that children who were abused, abandoned, neglected, or subjected to similar harm could also access SIJ's critical protection, "which provides the stability and protection from deportation SIJ children need to be able to heal, to overcome the impact of the abuse, and to move beyond the abuse to become productive well-adjusted adults."[3]

The title of the relevant TVPRA subsection—"Permanent Protection for Certain At-Risk Children"—reflects recognition of the harms facing eligible children and Congress's intentions.[4] Congress further underscored the exigence of SIJ protection by directing "Expeditious Adjudication" of children's SIJ petitions, requiring DHS to adjudicate children's applications not later than 180 days after filing.[5] USCIS guidance issued following the TVPRA's enactment emphasized that "Field Offices need to be particularly aware of this new requirement and take measures locally to ensure timely adjudication."[6]

The centrality of child welfare to SIJ protection is evident in the application process set forth by Congress, which draws on both state courts' expertise in adjudicating child welfare, best interests, and custody decisions and the federal government's authority to provide immigration relief.[7] For a child to qualify for SIJ protection, a state juvenile court must find that a child cannot viably reunify with one or both parents due to abuse, abandonment, neglect, or another similar basis under state law, and that it is not in the child's best interests to be returned to their country of origin.[8] With a predicate order containing such findings, a child can submit a petition for SIJS to USCIS, which reviews the application and may consent to SIJ classification—generally embracing and deferring to the state court's findings

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Juvenile Status: The Need to Expand Relief, 80 Brook. L. Rev. 1087, 1092(2015), https://brooklynworks.brooklaw.edu/blr/vol80/iss3/11; Meaghan Fitzpatrick & Leslye Orloff, Abused, Abandoned, or Neglected: Legal Options for Recent Immigrant Women and Girls, 4 PENN. ST. J.L. & INT'L AFF. 614, 627 (2016) ("In 1990, the federal government was exercising its prosecutorial discretion by not seeking to deport unaccompanied youths because 'of their age and the impracticality of deportation' as well as the fact many of them were victims of child abuse"), *quoting* Special Immigrant Status for Alien Foster Children: Joint Hearings on S. 358, H.R. 672, H.R. 2448, H.R. 2646, and H.R. 4165 Before the Subcommittee on Immigration, Refugees and International Law of the House Committee of the Judiciary, and the Immigration Task Force of the House Education and Labor Committee, 101st Cong. 614 (1990) (statement of Mark Tajima, Legislative Analyst, Chief Administrator Officer, County of Los Angeles, CA), https://insight.dickinsonlaw.psu.edu/jlia/vol4/iss2/12.

[3] Fitzpatrick & Orloff, *supra* note 2, at 631.

[4] William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. 110-457 (Dec. 23, 2008), at Sec. 235(d)

[5] *Id.* at Sec. 235(d)(2).

[6] *See* USCIS, Memorandum from Donald Neufeld, Acting Associate Director Domestic Operations & Pearl Chang, Acting Chief Office of Policy & Strategy, to Field Leadership regarding Trafficking Victims Protection Reauthorization Act of 2008: Special Immigrant Juvenile Status Provisions (Mar. 24, 2009), https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/IMM-Gov-USCISMemoTVPRA2008-03.04.09.pdf.

[7] *In Re* : L. F. O. C. (Ct. of Appeals, Mich. 2017) ("The SIJ statute affirms the institutional competence of state courts as the appropriate forum for child welfare determinations regarding abuse, neglect, or abandonment, and a child's best interests."), https://caselaw.findlaw.com/court/mi-court-of-appeals/1859650.html; Fitzpatrick & Orloff, *supra* note 2, at 655 ("Congress chose to statutorily rely on state court adjudications relying on the expertise of state courts that are responsible for insuring children's safety and well-being regardless of the child's immigration status.").

[8] Immigration and Nationality Act, Sec. 101(a)(27)(J).

regarding the child's best interests and mistreatment.[9] If approved for SIJS, a child or youth may apply to adjust to lawful permanent resident status if there is an available visa.

Upon SIJ's creation by Congress, SIJ visas were available without delay, enabling eligible children and youth to timely access permanent legal protection. In the last decade, however, SIJS recipients have faced sizeable, multi-year backlogs that significantly delay their ability to access visas and adjust to LPR status.[10] Over the decade, it is likely that hundreds of thousands of children have been delayed from the opportunity to apply to adjust status by these backlogs, including thousands of KIND clients. Before the SIJ deferred action policy, SIJ-approved children and youth experienced significant uncertainty and distress, remaining at risk of deportation with limited ability to access basic services, healthcare, or safe and lawful employment as they aged during visa backlogs. Rather than advancing children's long-term safety as Congress intended, these circumstances exacerbated the trauma of particularly vulnerable children and left them at heightened vulnerability to exploitation, trafficking, and other harm. As has been observed regarding limited availability of SIJ visas, "SIJS is a category meant to provide protection against child maltreatment; in this way it is more akin to asylum than to other visa categories. The notion that immigration quotas should enter into this equation and its implication that immigration efficiencies can thus override the child welfare concerns that lie at the heart of SIJS reflect a misordering of priorities."[11]

Recognizing the harsh consequences confronting a population of children and youth who Congress intended to protect but who were facing barriers Congress could not have foreseen, the prior Administration created the SIJ deferred action policy in March 2022.[12] USCIS directly addressed the gap the policy was intended to fill, explaining: "Due to ongoing visa number unavailability, the protection that Congress intended to afford SIJs through adjustment of status is often delayed for years, leaving this especially vulnerable population in limbo. . . . Congress likely did not envision that SIJ petitioners would have to wait years before a visa became available, since for many years after implementation of the program, SIJs did have visas immediately available. . . . This process furthers congressional intent to provide humanitarian protection for abused, neglected, or abandoned noncitizen children for whom a juvenile court has determined that it is in their best interest to remain in the United States."[13] Through the policy, SIJ recipients without an available visa were automatically considered for a four-year grant of deferred action, with the opportunity for renewal.

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[9] *See* USCIS Policy Manual, Vol. 6, Part J, Chap. 2 ("USCIS generally defers to the court on matters of state law and does not go behind the juvenile court order to reweigh evidence and make independent determinations about the best interest of the juvenile and abuse, neglect, abandonment, or a similar basis under state law.").

[10] *See* Rachel Leya Davidson & Laila L. Hlass, "Any Day They Could Deport Me": Over 44,000 Immigrant Children Trapped in SIJS Backlog (Nov. 2021), The End SIJS Backlog Coalition and The Door, at 9-11, Any+Day+They+Could+Deport+Me-+Over+44,000+Immigrant+Children+Trapped+in+the+SIJS+Backlog+(FULL+REPORT).pdf (squarespace.com).

[11] *See* Richard F. Storrow, *Unaccompanied Minors at the U.S.-Mexico Border: The Shifting Sands of Special Immigrant Juvenile Status*, Georgetown Immigration L. J., at 35, https://www.law.georgetown.edu/immigration-law-journal/wp-content/uploads/sites/19/2020/11/Unaccompanied-Minors-at-the-U.S.-Mexico-Border.pdf.

[12] DHS, USCIS to Offer Deferred Action for Special Immigrant Juveniles (Mar. 7, 2022), USCIS to Offer Deferred Action for Special Immigrant Juveniles | USCIS.

[13] USCIS, Policy Alert, Special Immigrant Juvenile Classification and Deferred Action (Mar. 7, 2022). https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20220307-SIJAndDeferredAction.pdf.

This critical protection, which upholds the aims of the SIJ statute by ensuring that delays outside of the child's control do not result in children's return contrary to their best interests and safety, has likely benefited 200,000 SIJS-approved children and youth. The policy also allows USCIS and the federal government to more effectively allocate limited resources, recognizing that youth found in need of protection should not be prioritized for deportation.

USCIS's decision to eliminate a process by which current SIJ deferred action recipients can renew this protection or by which other SIJ recipients may be considered for deferred action poses grave risks and sidelines the stability that SIJ children and youth desperately need, that Congress intended for them, and that USCIS has acknowledged is crucial and has recently sought to ensure.

USCIS's Elimination of SIJ Deferred Action Is Arbitrary and Capricious

In its Policy Alert announcing the elimination of SIJ Deferred Action, USCIS asserts that the change is necessary to align with "statutory requirements and authorities" and concludes that having an approved SIJ application without an available visa or a juvenile court determination addressing the child's best interest are not "sufficiently compelling reasons, supported by any existing statute or regulation" to continue the SIJ deferred action policy.[14] KIND strongly disagrees. State court determinations that a child has been abused, abandoned, neglected, or experienced similar harm and that return is not in the child's best interests reflect critical child welfare concerns at the root of SIJ protection. USCIS's grant of SIJS demonstrates acceptance of these findings. Preventing the return of a child to known harm is precisely the kind of compelling justification and humanitarian reason for which deferred action and prosecutorial discretion are warranted.[15] The TVPRA's express vision of permanent protection for SIJS children and youth makes clear the importance of safeguarding this particularly vulnerable population. Further, protection of children from harm is at the foundation of the domestic child welfare systems across all 50 U.S. states and is also widely recognized as obligatory in international law.[16] USCIS offers no

[14] *See* USCIS, Policy Alert, Special Immigrant Juvenile Classification and Deferred Action, at 1, https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250606-SIJDeferredAction.pdf.

[15] *See, e.g.,* USCIS, Policy Alert, Special Immigrant Juvenile Classification and Deferred Action (Mar. 7, 2022), at 2-3 ("In general, SIJs are unlikely to be enforcement priorities as evidenced by the broad waivers of inadmissibility Congress established, as well as ICE Directive 11005.3: Using a Victim-Centered Approach with Noncitizen Crime Victims, which states that absent exceptional circumstances, ICE defers enforcement actions against SIJs until they adjust status to that of an LPR.").

[16] *See, e.g.,* Children's Bureau, ACF, ACYF, Fact Sheet - Major Federal Legislation Concerned With Child Protection, Child Welfare, and Adoption (Mar. 2025) ("Each State, Territory, and Tribe is responsible for delivering, overseeing, and monitoring child welfare services to children and their families."), https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/major-federal-legislation%20child-protection-child-welfare-adoption.pdf?VersionId=090ZH5r.Hmq4jW5BhEW0HPY977Qiu9wc; Juvenile Law Center, Introduction to the Child Welfare System, https://jlc.org/introduction-child-welfare-system ("Every state has a child welfare system that provides services to children and families. . . . The child welfare system is primarily concerned with children who have been abused or neglected. . . ."). *See also, e.g.,* UN, Convention on the Rights of the Child (Nov. 20, 1989), Art. 3. ("In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."). The United States is a signatory of the Convention on the Rights of the Child, although it has not to date ratified the Convention. *See also* Convention on the Rights of the Child, General Comment No. 6, stating:

> The obligation of the State party under article 6 includes protection from violence and exploitation, to the maximum extent possible, which would jeopardize a child's right to life,

discussion of meaningful alternatives it considered to stripping thousands of children of protection from removal to harm or reasoned explanation for why exposing children to this risk anew is itself a compelling government priority.

Instead, USCIS seeks to justify the policy's rescission through citation to Executive Order 14161, "Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats" (January 20, 2025),[17] stating, without further explanation, that "USCIS has determined it is in the national and public interest to revert to the policy prior to March 7, 2022."[18] In a related footnote, USCIS states that the Executive Order "directs federal agencies to, in part, 'vet and screen to the maximum degree possible all aliens who intend to be admitted, enter, or are already inside the United States.' This policy promotes this by ensuring that USCIS Fraud and National Security personnel, as well as adjudicating officers, are not unnecessarily restricted from considering potentially relevant information within a record.'"[19]

In the Policy Alert, USCIS does not provide any basis for assuming categorically that children who were granted humanitarian protection by the agency after an extensive and multilayered process, including state judicial proceedings and a USCIS petition, warrant additional vetting and screening, nor does it provide information about what this might entail. Further, USCIS does not discuss any alternative options to discontinuing deferred action that it considered or detail why USCIS's existing policy permitting USCIS officers to request additional evidence from the petitioner or their legal representative where necessary to adjudicate the SIJ petition or deferred action is or was insufficient. Most critically, USCIS fails to articulate any rational basis for how removing protections from children whom it has found particularly vulnerable advances the national and public interest nor provide any indication that it weighed the potential impacts of this policy rescission on the safety and wellbeing of children who it knows to be at risk. Importantly, by indicating that case- by-case consideration of deferred action for SIJS recipients will not be considered, USCIS appears to place children in an even *more* vulnerable posture than others in the immigration system, for whom prosecutorial discretion and deferred action may be considered even without a specific program providing for this relief.[20] This cannot be what Congress intended for children for whom it crafted a form of permanent legal protection.

> survival and development. Separated and unaccompanied children are vulnerable to various risks that affect their life, survival and development such as trafficking for purposes of sexual or other exploitation or involvement in criminal activities which could result in harm to the child, or in extreme cases, in death. Accordingly, article 6 necessitates vigilance by States parties in this regard, particularly when organized crime may be involved. While the issue of trafficking of children is beyond the scope of this general comment, the Committee notes that there is often a link between trafficking and the situation of separated and unaccompanied children.

Id.

[17] Executive Order 14161 (Jan. 20, 2025), https://www.federalregister.gov/documents/2025/01/30/2025-02009/protecting-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety.

[18] *See* USCIS, Policy Alert, Special Immigrant Juvenile Classification and Deferred Action, https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250606-SIJDeferredAction.pdf

[19] *Id.* at 2 & n.4.

[20] USCIS Policy Manual, Vol. 1, Part H, Chap. 2 (Emergencies or Unforeseen Circumstances-Related Flexibilities), https://www.uscis.gov/policy-manual/volume-1-part-h-chapter-2#footnotelink-2 ("The President and the Secretary of Homeland Security have the discretionary authority to provide certain additional flexibilities for

Proposed Changes to Form G325-A Eliminating SIJ Deferred Action Run Contrary to the SIJS Statute and Violate the Paperwork Reduction Act

In addition to changes to the Policy Manual, USCIS has proposed changes to the Form G-325A (Biographic Information for Deferred Action) that eliminate prior modifications to the form that had added several types of deferred action requests, including a category specific to Special Immigrant Juvenile deferred action, labor-investigation-based deferred action (DALE), and statelessness.

After announcing the SIJ deferred action policy in March 2022, USCIS indicated that it "may consider requests for renewal of deferred action for noncitizens with SIJ classification who remain ineligible to apply for adjustment of status because an immigrant visa number is not immediately available. A person may submit a deferred action renewal request to USCIS 150 days before expiration of the period of deferred action. Renewal requests are subject to the guidance outlined in the USCIS Policy Manual regarding eligibility and adjudication for an initial grant of SIJ deferred action. Additional information regarding renewals for SIJ deferred action will be forthcoming."[21]

Subsequent changes to the form included the addition of instructions clarifying that Form G-325A could be used to request a subsequent period of SIJ deferred action, or to request an initial grant of deferred action if the applicant has an approved I-360; a visa is not immediately available to adjust; and they did not previously receive a notice that they were considered for SIJ deferred action.[22] Since that time, thousands of SIJS recipients have been granted deferred action, many with expiration dates falling in May 2026. Many young people planned to request renewal of deferred action using Form G-325A, potentially as early as December 2025.

USCIS's rescission of the SIJS Deferred Action policy through updates to the Policy Manual, as well as proposed changes to Form G-325A and its instructions, deprive thousands of SIJS recipients of protection from removal and harm, contrary to the SIJS statute. The proposed form changes also violate

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requestors, which include: Approving individual requests for deferred action submitted by aliens inside the United States. . . . USCIS reviews deferred action requests on a case-by-case basis and considers all positive and negative factors when considering whether to exercise discretion to defer removal action. USCIS may consider emergencies or unforeseen circumstances that prevent the departure of an alien without another lawful basis to remain in the United States when determining whether to approve deferred action.") & n.2 ("USCIS, as well as U.S. Immigration and Customs Enforcement (ICE), may authorize deferred action as a discretionary act of administrative convenience to delay or decline to exercise immigration enforcement authority on a case-by-case basis. *See* Section 442(c) of the Homeland Security Act of 2002, Pub. L. 107-296 (PDF), 116 Stat. 2135, 2194 (November 25, 2002). See Delegation to the Bureau of Citizenship and Immigration Services, Delegation 0150.1, signed June 5, 2003 (effective March 1, 2003) (delegating authority to grant deferred action)").

[21] USCIS, Special Immigrant Juvenile Policy Updates, Pre-Submitted and Live Q&A, National Engagement, Apr. 27, 2022, at 7 (Question 18), https://www.uscis.gov/sites/default/files/document/outreach-engagements/National_Engagement-Special_Immigrant_Juvenile_Policy_Updates-Q%26A.pdf.

[22] *See* Instructions for Biographic Information (for Deferred Action) (OMB No. 1615-0008, Expires 10/31/2027), at 1, https://www.uscis.gov/sites/default/files/document/forms/g-325ainstr.pdf. ("Who May File Form G-325A . . . NOTE: You may only use this form to request deferred action based on special immigrant juvenile (SIJ) classification in the following circumstances: • To request an initial grant of SIJ deferred action if you have an approved SIJ-based Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, a visa is not immediately available to file Form I-485, Application to Register Permanent Residence or Adjust Status, and you did not previously receive a notice that you were considered for SIJ deferred action; or • To request a subsequent period of SIJ deferred action.").

the Paperwork Reduction Act (PRA), having been noticed and published for public comment by USCIS on May 29, 2025,[23] more than a month *after* the agency had abruptly halted automatic consideration of SIJ recipients for deferred action in early April 2025—in practice terminating the SIJ Deferred Action Policy. (KIND became aware of this abrupt shift in policy through the receipt of I-360 approvals for clients after April 8, 2025, that lacked any reference to consideration or grants of deferred action—a notable departure from the agency's standard practice following creation of the SIJ Deferred Action policy in 2022. USCIS waited later still, until June 6, 2025, to formally announce the rescission of the SIJ Deferred Action policy through changes to the Policy Manual and a related USCIS Policy Alert. As a result, SIJS recipients and deferred action grantees, legal services practitioners, and the general public were deprived of a meaningful opportunity to review and comment on these changes before they took practical effect. These changes thus unlawfully deviated from the PRA, which requires a 60-day comment period, followed by the government's consideration of submitted comments, and reopening of public comments for an additional 30 days before any modifications may be formally made to the form and instructions.

Moreover, USCIS provided no reasoned explanation for these significant changes, the benefits that would be achieved from them, or indication that it had considered the potential impacts of them on thousands of children who had received deferred action or who might become eligible for SIJ deferred action in the future. It similarly provided no explanation for removing other categories from the form, including deferred action based on statelessness or labor-based investigation. USCIS also failed to consider the impacts the form changes might have for children's access to work authorization (EADs), current employment, ability to access new opportunities, or government-issued identification that is frequently necessary to obtain essential services. It is thus unclear how USCIS arrived at the burden estimate regarding the number of people expected to use the form.[24] In support of these changes, the Federal Register notice only references the Paperwork Reduction Act, though not complying with it. These oversights are not merely incidental, but risk real and far-reaching consequences and potential harm for thousands of children.

Rescission of Deferred Action Renews Risk of Detention and Deportation for Thousands of SIJS Youth

Without protection from removal, thousands of children recognized by USCIS as having experienced mistreatment and as unable to viably reunify with one of their parents or to be safely returned to their country could face deportation to abuse, trafficking, and other grave harm. The policy's termination comes amid the Administration's vocal commitment to increasing enforcement against undocumented immigrants and other vulnerable populations, including through campaigns urging self-deportation, purported "wellness" checks of unaccompanied children, and sweeping enforcement actions at immigration courts, work sites, and other locations. These practices only increase the risk that children determined by state courts and USCIS to be in need of protection may instead face the very opposite—with the authorities potentially targeting children, not protecting them as Congress envisioned. These

[23] USCIS, Agency Information Collection Activities; Revision of a Currently Approved Collection: Biographic Information (for Deferred Action), 90 Fed. Reg. 22752 (May 29, 2025), https://www.govinfo.gov/content/pkg/FR-2025-05-29/pdf/2025-09616.pdf.
[24] *Id.* at 22753.

fears are not merely hypothetical, but have been seen through the arrest of and enforcement actions against numerous SIJS recipients nationwide.[25]

Findings that a child's return to their country of origin is not in their best interest and regarding children's mistreatment cannot be overlooked in service of enforcement priorities at odds with Congress' clear intent to extend permanent protection to this vulnerable population. Indeed, SIJS's roots in concern for children's welfare and safety only underscore that the government's priority must rest in ensuring that children are moved out of harm's way and never returned to it.[26] The TVPRA's other provisions further bolster the importance of these considerations, expressly directing DHS to "consult the Department of State's Country Reports on Human Rights Practices and the Trafficking in Persons Report in assessing whether to repatriate an unaccompanied alien child to a particular country" and directing the Secretary of State, in consultation with HHS, DHS, NGOs, and national and international agencies, to create a pilot program to "develop and implement best practices to ensure the safe and sustainable repatriation and reintegration" of any returning unaccompanied child, in order "to protect children from trafficking and exploitation."[27]

Although KIND strongly disagrees that SIJS children and youth can or should be removed by the federal government while awaiting visas to adjust to lawful permanent resident status, SIJ deferred action remains critical to safeguard against such deportations and to avert any further risk to children who have already suffered harm at the hands of adults. This policy has assumed even greater importance in recent months, in which the Administration and DHS have deputized various agencies and actors at the state, federal, and local levels to assist with immigration enforcement, including many who may be unfamiliar with SIJS protection and the particular needs and vulnerabilities of children and youth whom the federal government has already recognized as in need of protection.

Rescission of SIJ Deferred Action Undermines Efforts to Protect Children and Youth from Labor Exploitation and Trafficking, and to Assist Children in Accessing Necessary Identification, Services, and Stability

In addition to deferring removal, the SIJ Deferred Action policy enables thousands of children to receive work authorization—a critical benefit that assists eligible children and youth to access safe and lawful employment opportunities and that also provides what may be the only form of government-issued identification that children may have to access necessary services, such as healthcare. With EADs, older youth have been able to find and secure safe, lawful jobs to help support their future goals and their financial security—mitigating risks of labor exploitation, trafficking, and other harm. They also help youth to access educational opportunities that can support future careers and contributions. For

[25] *See, e.g.,* Keely Doll, A judge said it was unsafe for a KY teen to return to Guatemala. ICE detained him anyway, Louisville Courier Journal (KY) (June 26, 2025), https://www.courier-journal.com/story/news/local/2025/06/26/bowling-green-kentucky-immigrant-teen-detained-ice-released/84330985007/.

[26] *See* Storrow, *Unaccompanied Minors at the U.S.-Mexico Border, supra* note 11, at 37("Evidence of the humanity in our immigration law remains in SIJS, a form of immigration relief that Congress enacted to recognize that our most vulnerable population—undocumented children—may need protection against abusive parents and against deportation to a situation that would imperil their welfare. SIJS remains the law because no matter the prevailing political winds, Americans understand that a priority of their government should be to remove children from harm's way, no matter their citizenship status.").

[27] 8 U.S.C. § 1232(a)(5)(A)-(B).

younger children and older youth alike, EADs also serve as a crucial form of government-issued ID, enabling access to social services and other care that can help them heal from past abuse and harm, and gain stability. Without deferred action and the opportunity to access or renew EADs, SIJ children and youth will become increasingly vulnerable and may have critical services, employment, or their education abruptly interrupted. These outcomes will only deepen their vulnerability, rather than advancing the permanency and safety Congress aimed to provide through SIJS. Further, they are directly at odds with DHS's recognition of the importance of ensuring predictability in renewals of EADs to prevent uncertainty and other hardships, as evidenced by the agency's promulgation little over a year ago of a rule increasing automatic extension periods for certain EADs.[28]

Conclusion

KIND strongly opposes the rescission of the SIJ Deferred Action policy and the related changes proposed to Form G-325A. We urge USCIS to expeditiously restore the SIJ Deferred Action policy and to continue use of the Form G-325A in its currently approved version to prevent harm to thousands of SIJ children and youth.

Sincerely,

/s/

Jennifer Podkul

Chief, Global Policy and Advocacy

[28] *See, e.g.,* DHS, Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Employment Authorization Document Renewal Applicants, 89 Fed. Reg. 24628 (Apr. 8. 2024), https://www.federalregister.gov/documents/2024/04/08/2024-07345/temporary-increase-of-the-automatic-extension-period-of-employment-authorization-and-documentation.