U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Camp Springs, MD 20588-0009

U.S. Citizenship and Immigration Services

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Policy Alert

SUBJECT: Addressing Program Integrity Concerns in Special Immigrant Juvenile Petitions

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the USCIS Policy Manual to address policy changes to the Special Immigrant Juvenile (SIJ) content to ensure it more accurately reflects Congress' intent and plain language provided in the SIJ statute.

Background

The Immigration and Nationality Act (INA) authorizes a grant of SIJ classification on a case-by-case basis to an alien who has been declared dependent on a juvenile court or has been legally committed to, or placed in the custody of, a state agency or department, an individual, or another entity by a juvenile court provided that USCIS determines that a primary purpose of seeking the juvenile court order was to obtain relief from parental maltreatment, and not to obtain an immigration benefit.[1] The SIJ classification is available to unmarried aliens under the age of 21 who are present in the United States and subject to state juvenile court proceedings related to abuse, neglect, abandonment, or a similar basis under state law.

On July 24, 2025, USCIS published "Criminality, Gangs, and Program Integrity Concerns in Special Immigrant Juvenile Petitions" which identified significant national security and benefit integrity vulnerabilities in the SIJ program. These vulnerabilities provided criminal aliens, gang members, and known or suspected terrorists a path to lawful permanent residency. The report reviewed over 300,000 aliens' SIJ petitions filed from the beginning of fiscal year 2013 through February 2025. A 317 percent increase in SIJ petition filings from Fiscal Year 2020 to Fiscal Year 2025[2] largely caused an unprecedented backlog in the EB-4 visa category resulting in an approximate 5-year wait after the SIJ petition is approved for a visa to become available.[3] The confluence of all these factors contributed to widespread public safety and national security concerns, including a minimal threshold for identity verification and missed criminal and national security derogatory information, as well as systemic program integrity concerns. All aliens,

[1] See INA 101(a)(27)(J)(i). See H.R. Rep. 105-405, p. 130 (1997).
[2] In Fiscal Year 2020, USCIS received 18,711 SIJ I-360 filings; by Fiscal Year 2025 that number rose to 78,156. (Data provided by USCIS' Chief Data and Analytics Office.)
[3] The availability of visas, including for special immigrant juveniles, is determined by the applicant's priority date, that is, the date the applicant filed the petition. See Bureau of Consular Affairs, U.S. Department of State, Visa Bulletin, Vol. XI, No. 12 (Mar. 2026).

including the pending and approved SIJ population, are subject to legal requirements, credibility assessments, and the applicable burden of proof.[4]

The nature of identified derogatory information requires urgent action to mitigate program integrity vulnerabilities, significant national security and public safety concerns, and ensure the SIJ classification remains available for the juveniles it was intended to protect, as intended and enacted by Congress.

This guidance, contained in Volume 6 of the Policy Manual, is effective immediately and applies to requests pending or filed on or after the publication date. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

Policy Highlights

- Ensures that USCIS SIJ policy accurately reflects the intent of the SIJ statute and eliminates many of the past policy-enabled vulnerabilities allowing for criminal aliens, gang members, and known or suspected terrorists to have a path to lawful permanent residence.

- Affirms that an approved SIJ Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360) does not render an alien lawfully present, does not confer lawful status, and does not result in eligibility to apply for employment authorization.

- Clarifies that USCIS independently determines whether an alien is eligible for SIJ classification, including whether the information submitted in support of an SIJ Form I-360 petition is true and correct, and meets eligibility requirements.

- Affirms that USCIS has the authority to interview SIJ petitioners for the purpose of adjudicating the SIJ petition.

- Removes content allowing petitioners to file a Form I-360 with an appointment at a USCIS field office within the 2-week period before he or she turns 21 years old.

- Reiterates that USCIS may withhold consent if the request for SIJ classification was not bona fide.

- Removes the detailed description of what secondary evidence may establish the petitioner's age when primary documentation of birth is not available.

- Clarifies that USCIS may request the petitioner submit additional information to establish the factual basis for a court's determination.

- Removes references to the "Saravia Settlement Agreement," as the terms of the agreement expired on January 19, 2026.

[4] See "Operating Policies and Procedures Memorandum 17-03: Guidelines for Immigration Court Cases Involving Juveniles, Including Unaccompanied Alien Children," (December 20, 2017). Although "child" in the TVPRA 2008 generally refers to aliens under 18, USCIS applies this provision to include adults between the ages of 18 and 21 at the time of SIJ petition filing.

Summary of Changes

Affected Section: Volume 6 > Part J > Chapter 1, Purpose and Background

- Revises Section A (Purpose) and the table in Section B (Background).

Affected Section: Volume 6 > Part J > Chapter 2, Eligibility Requirements

- Revises Chapter 2 (Eligibility Requirements) throughout.
- In section D (DHS Consent) adds new Subsection 1 (Statutory Language and Legislative History), Subsection 2, (Interpretation), and Subsection 3 (Exercising Consent Authority).
- Adds new Section G (Screening and Vetting) and Section H (Establishing Physical Presence).

Affected Section: Volume 6 > Part J > Chapter 3, Documentation and Evidence

- Revises Chapter 3 (Documentation and Evidence) throughout.
- Adds new italicized subheading "Documentation of Marital Status".

Affected Section: Volume 6 > Part J > Chapter 4, Adjudication

- Revises Chapter 4 (Adjudication) throughout.

Affected Section: Volume 6 > Part J > Appendices

- Removes Appendix: Update to Special Immigrant Juvenile Policy and Administrative Procedure Act (APA) Considerations.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

Volume 6: Immigrants, Part J, Special Immigrant Juveniles [6 USCIS-PM J] (Chapters 1-4).

Additional Considerations

USCIS is clarifying how USCIS applies DHS consent to SIJ adjudications, giving it the full effect to statutory language and legislative history. SIJ classification can only be granted with the consent of the Secretary of Homeland Security, as exercised by USCIS, after a petitioner demonstrates eligibility.[5] Consent is not automatic; it is a safeguard to ensure SIJ petitions are bona fide and the required juvenile court determinations are sought primarily to obtain relief from parental abuse, neglect, abandonment, or a similar basis under state law. The law and legislative

[5] See INA 101(a)(27)(J)(i)-(iii).

history require USCIS to verify that a primary motivation for seeking the required juvenile court determinations is genuine protection from parental maltreatment and not to obtain an immigration benefit.

Congress amended and simplified the consent requirement ensuring program integrity and emphasized that neither the dependency order nor the best interest determinations should be sought primarily for immigration purposes.[6] The statutory consent function is distinct and employed separately from a juvenile court's findings. While state courts determine custody and dependency, USCIS independently reviews all available evidence, including court records, supporting documents, and information from other government agencies or databases, to assess and determine the petitioner's true motivations and the bona fides of the request.

Previously, USCIS policy relied heavily on the state court's expertise and did not allow officers to meaningfully analyze the specific circumstances of the SIJ petition to reach a reasonable conclusion regarding the facts and motivations for obtaining the juvenile court's determinations, even in situations where contrary information is found in DHS systems checks or other evidence. Prior USCIS policy gave the impression that USCIS would only withhold consent if evidence in the record materially conflicted with eligibility requirements. The DHS regulations provide one obvious example of where USCIS may withhold consent because evidence materially conflicts with regulatory eligibility requirements for SIJ classification such that the record reflects that the request for SIJ classification was not bona fide.[7] Another example includes that specifically clarified by Congress where USCIS follows the evidence to its natural conclusion in assessing the alien's motivations for seeking the court order and, specifically, where it serves no significant purpose other than for immigration purposes.[8]

As mentioned above, a July 2025 USCIS report identified significant national security and integrity vulnerabilities in the SIJ program, where a pathway was provided to lawful permanent residence and eventually citizenship to criminal aliens, gang members, and known or suspected terrorists.[9] The report reviewed over 300,000 aliens' SIJ petitions filed from the beginning of Fiscal Year 2013 through February 2025. Key findings related to benefit integrity demonstrate that many SIJ petitions are based on unverified or fabricated claims of abuse, neglect, or abandonment, often supported only by the petitioner's affidavit and the state's court order. The report also found that some state courts issue SIJ predicate orders with little or no investigation, sometimes solely to facilitate immigration benefits.[10]

As a result of this policy update, USCIS officers must conduct a thorough, case-specific analysis. Officers must review the factual basis of the court order, consistency of evidence, and identify any discrepancies in the information provided. Officers must ensure that the court-ordered relief was genuinely sought for protection and not to obtain immigration benefits. This includes giving

[6] See H.R. Rep. 105-405, p. 130 (1997). See 8 CFR 204.11(b)(5).
[7] See 8 CFR 204.11(b)(5).
[8] See H.R. Rep. 105-405, p. 130 (1997) ("The language has been modified in order to limit the beneficiaries of this provision to those juveniles for whom it was created, namely abandoned, neglected, or abused children, by requiring the Attorney General to determine that neither the dependency order nor the administrative or judicial determination of the alien's best interest was sought primarily for the purpose of obtaining the status of an alien lawfully admitted for permanent residence, rather than for the purpose of obtaining relief from abuse or neglect.").
[9] See USCIS, Criminality, Gangs, and Program Integrity Concerns in Special Immigrant Juvenile Petitions (July 2025).
[10] See H.R. Rep. 105-405, p. 130 (1997).

additional scrutiny to cases with fact patterns similar to those identified in the July 2025 USCIS report, including claims that one parent abandoned the child. In these cases, officers should carefully assess the facts to determine the state court order's actual purpose.

Ultimately, the DHS consent authority, as mandated by statute, is a critical tool for maintaining the integrity of the SIJ program, ensuring that only those juveniles for whom the classification was intended, those genuinely seeking relief from abuse, neglect, or abandonment, are granted this classification. USCIS does not defer to state court findings on consent and retains sole responsibility for this determination, applying the same good faith standard used in other immigration contexts such as marriage and adoption petitions.

Reliance Interest Analysis

USCIS has considered significant reliance interests and alternative agency action. DHS consent has been mandated by statute since 1998.[11] This policy does not alter the agency's authority of the consent requirement, nor is it in contrast with statute or regulation. Rather, USCIS intends to more closely conform policy with the plain language of the statute and Congressional intent. The statute requires DHS consent with the specific intent of confirming the bona fide nature of a request and not relying on state courts to make complex immigration determinations.

Aliens who have not petitioned or have pending petitions for SIJ classification.

USCIS has determined that an alien who has not submitted Form I-360 will not have taken any action or incurred any costs in reliance on being reviewed under an updated policy which is more consistent with statute. The previous policy or new policy would not affect whether or not an individual needs, or would petition a state court for, relief from parental abuse, neglect, or abandonment. Individuals who have submitted SIJ petitions under the previous, less stringent review may have incurred legal fees, gathered affidavits and taken other steps based on the expectation that their petition would be adjudicated. However, an alien seeking SIJ classification primarily for relief from parental abuse, neglect, abandonment, or a similar basis under state law, would not be affected by the updated policy, as they would still be found eligible and likely warrant a favorable exercise of DHS consent. All aliens submitting benefit requests should reasonably expect to have his or her case independently reviewed for eligibility including DHS consent. This update does not change that presumption.

Aliens granted SIJ classification.

This policy change applies to new and pending petitions. Any petition that is approved before the effective date will be subject to the prior policy. As a result, aliens granted SIJ classification before this updated policy takes effect do not have a cognizable reliance interest that will be affected.

To the extent aliens have reliance interests not identified in this alert, such interests are outweighed by the clear statutory authority and policy objectives highlighted in the INA, and by the need to address loopholes identified in the USCIS report, "Criminality, Gangs, and Program Integrity Concerns in Special Immigrant Juvenile Petitions."

[11] See Pub. L. 105-119, 111 Stat. 2460–2461 (1998).

Alternatives Considered

USCIS was unable to identify any alternatives to this policy update that would ensure the integrity of legal immigration, national security, and public safety. Any other change in policy or maintaining the prior policy would be antithetical to the spirit of the law and congressional intent of the SIJ statute.