



October 26, 2016

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Policy Alert

SUBJECT: Special Immigrant Juvenile Classification and Special Immigrant-Based Adjustment of Status

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) regarding the special immigrant juvenile (SIJ) classification and special immigrant-based (EB-4) adjustment of status, including adjustment based on classification as a special immigrant religious worker, SIJ, and G-4 international organization or NATO-6 employee or family member, among others.

Background

Certain foreign nationals may be eligible for classification as special immigrants and seek adjustment to lawful permanent resident status based on such classification. One such classification is SIJ, which is available to certain children who, as determined through state juvenile court proceedings, cannot reunify with one or both parents because of abuse, neglect, abandonment, or a similar basis under state law.

This guidance, contained in Volumes 6 and 7 of the Policy Manual, replaces the guidance found in Chapter 22.3(q) of the Adjudicator's Field Manual (AFM) and the AFM's related appendices. Except for the *Perez-Olano* Policy Memo 602-0177,¹ any related policy memoranda are rescinded and are no longer in effect. The guidance contained in the Policy Manual is controlling and supersedes any prior guidance.

Policy Highlights

[Volume 6, Part J: Special Immigrant Juveniles](#)

- Provides guidance on eligibility and evidentiary requirements that apply to petitions for SIJ classification.
- Incorporates Trafficking Victims Protection Reauthorization Act of 2008 and *Perez-Olano* Settlement Agreement and Stipulation provisions, including age-out protections.

¹ This policy memo remains current and has not been superseded by the Policy Manual. See "[Updated Implementation of the Special Immigrant Juvenile Perez-Olano Settlement Agreement](#)," issued June 25, 2015.

- Clarifies guidance relating to the juvenile court order required findings on dependency or custody, non-viability of parental reunification and best interests of the child, and reaffirms that these findings must be made under state child welfare law.
- Clarifies requirements for juvenile court order validity, including jurisdiction and exceptions to the court order having to be valid at the time of filing and adjudication.
- Provides clarifying guidance on the statutorily mandated USCIS consent function.
- Provides updated guidance on interviews of SIJ petitioners.

Volume 7, Part F: Special Immigrant-Based (EB-4) Adjustment

- Provides guidance on eligibility requirements that apply to special immigrant-based adjustment applicants, including adjustment based on classification as a special immigrant religious worker, SIJ, and G-4 international organization or NATO-6 employee or family member, among others.
- Explains the scope and applicability of the bars to adjustment.
- Explains the inadmissibility requirements (specifying which grounds of inadmissibility apply and which do not) as well as the waiver requirements.
- Specifies the evidence special immigrant-based adjustment applicants should submit.
- Explains special issues related to adjudications, such as filing guidelines (including when concurrent filing is available), interviewing, age-out protections (if applicable), fraud, and revocation.

Citation

Volume 6: Immigrants, Part J, Special Immigrant Juveniles [[6 USCIS-PM J](#)]; Volume 7: Adjustment of Status, Part F, Special Immigrant-Based (EB-4) Adjustment [[7 USCIS-PM F](#)].