

Jerry Rigdon, Acting Chief
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
500 12th St SW #5600, Washington, DC 20024

Re: Feedback from CLASP on Policy Manual Updates Regarding SIJS Deferred Action, USCIS Policy Manual Vol. 6, Pt. J, Ch. 4.G

Dear Acting Chief Rigdon,

Thank you for the opportunity to provide feedback to the USCIS policy change, implemented through revisions to the Policy Manual provisions on Special Immigrant Juvenile Status (SIJS), that eliminates the SIJS Deferred Action Policy. The Center for Law and Social Policy (CLASP) writes to oppose the Policy Manual changes and accompanying Policy Alert that USCIS issued on June 6, 2025, which eradicates the SIJS Deferred Action Policy. These policy changes expose SIJS youth not only to deportation, and undermine the intent of the U.S. Congress, but also increase the risk of labor exploitation and other harms including mental health impacts of the fear and uncertainty these changes cause SIJS youth.

Founded in 1969, CLASP is a national, non-partisan, non-profit, anti-poverty organization that advances policy solutions for people with low incomes. Our comment draws upon the work of CLASP as experts in the areas of immigration, anti-poverty, and child development policies. As a national anti-poverty organization, we bring a deep commitment to families living with low incomes and knowledge of the challenges that they experience. At CLASP, we are also experts on policies that support children's healthy development, such as promoting access to good nutrition, high quality health care and education, a healthy living environment, and stable, nurturing caregivers. We recognize that harsh immigration policies, such as the elimination of the Deferred Action Policy for SIJS youth, undermine these very foundations.

Ending Deferred Action for SIJS youth puts at risk some of the most vulnerable immigrant young people in the United States—those who have experienced abuse, abandonment or neglect by a parent. This policy change contradicts the protective reasons that the U.S. Congress created this status in the first place.¹ These changes will directly and severely harm children and youth, and, in addition, the families and communities that Congress specifically intended to protect. The SIJS policy changes that eliminates deferred action also eliminates work authorization for SIJS-approved youth and puts them in danger of labor exploitation and deportation.

¹ Kavel Joseph, Kendall Niles, Tolulope Adetayo, Leslye E. Orloff, National Immigrant Women's Advocacy Project, Special Immigrant Juvenile Status Bench Book Appendix B, December 19, 2017, <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Appendix-B-SIJS-Legislative-History.pdf>.

SIJS policy changes conflict with the statute's original purpose and strips vital protections for vulnerable youth

By terminating the SIJS Deferred Action Policy, USCIS is stripping SIJS recipients of protection from deportation and labor exploitation and violating the humanitarian purpose of establishing SIJS in the first place. SIJS was created under the Immigration and Nationality Act as a form of humanitarian immigration relief for immigrant children in the United States who had been abused, abandoned, or neglected. In order to receive grants of SIJS, young people must satisfy a set of “rigorous, congressionally defined eligibility criteria”.² This includes being placed by a juvenile court in the custody or guardianship of a caregiver and having received a determination from a state juvenile court that it is not in their best interest to be returned to their country of origin. SIJS was designed to give vulnerable immigrant children a way to reside safely in the United States and ultimately obtain permanent resident status, giving them the stability they need to progress in their lives.

In May 2022, young people with approved SIJS petitions who were awaiting a visa to apply for lawful permanent resident status were granted protection from deportation and afforded work authorization through the SIJS Deferred Action Policy, which has likely benefited well over 100,000 SIJS youth.³ Under the SIJS Deferred Action Policy, when USCIS approved a young person’s SIJS petition, it automatically considered them for a 4-year, renewable, grant of deferred action if they lacked an available visa due to the SIJS visa backlog.

While Deferred Action does not provide the same stability and pathway to citizenship as lawful permanent residence, it has become a source of temporary relief for many young people stuck in the SIJS backlog, as they wait their turn to apply for a green card.⁴ Deferred Action has been necessary because SIJS was inaccurately categorized as an employment visa even though it is a humanitarian protection for children.⁵ Placing SIJS petitioners alongside adults seeking employment-based status in a category with a limited number of visas for green cards, has resulted in youth who have been approved for SIJS being forced to wait in a years-long visa backlog, rather than receiving immediate and permanent protection. Deferred Action should continue until the visa backlog ends, and until every child is able to access the stability and protection they need.

² Osorio Martinez v. Att’y Gen. U.S., 893 F.3d 153, 163 (3d Cir. 2018).

³ Rachel Davidson, Laila Hlass, Katie Leiva & Gabriela Cruz, False Hopes: Over 100,000 Immigrant Youth Trapped in the SIJS Backlog (2023), <https://static1.squarespace.com/static/5fe8d735a897d33f7e7054cd/t/656a48a3f02597441a4cbf95/1701464285675/2023-false-hopes-report.pdf>.

⁴ National Immigrant Justice Center. 2024. “Stuck in a Backlog Created by Congress.” March 22, 2024. <https://immigrantjustice.org/blog/stuck-in-a-backlog-created-by-congress/>

⁵ Kids in Need of Defense, “Deferred Action for Special Immigrant Juveniles: A Crucial Safeguard for Vulnerable Youth,” June 2025, https://supportkind.org/wp-content/uploads/2025/06/25_Deferred-Action-for-Special-Immigrant-Juveniles.pdf

Ending Deferred Action puts SIJS youth in danger of detention and deportation

The termination of SIJS Deferred Action will significantly increase the risk of detention and deportation for eligible youth, with consequences that put their futures, safety, and well-being at grave risk. Without the protection from deportation given by deferred action, SIJS recipients are at risk of being removed from the United States, away from their court-appointed caregivers and to the very country that a juvenile court judge and USCIS have determined is not in their best interest to be returned. Before the implementation of the 2022 SIJS Deferred Action Policy, DHS frequently sought removal orders against SIJS youth under the Trump administration, even though they were lawfully awaiting visas to adjust their status.⁶

Detention and the threat of deportation are profoundly harmful to children, causing chronic stress, fear, and anxiety that disrupt healthy development and undermine their sense of safety and stability.⁷ For children and youth with SIJS as a case remains open for years, a child becomes more vulnerable to potential policy changes that impact their legal case, as well as risks that the child may be put into or forced to continue with deportation proceedings in immigration court.

Our country gains nothing by keeping immigrant children and youth undergoing this process in a perpetual state of limbo where children and youth could be abruptly separated from their caregivers and the lives they have built. Removing Deferred Action will only exacerbate the negative consequences we've seen as the SIJS backlog has grown over the years. Children trapped in the SIJS backlog live in constant fear of deportation, despite being granted SIJS. Studies and interviews of children and youth with SIJS showed young people reported having heightened fear and anxiety when moving around.⁸ They expressed fear at going to doctors appointments and seeking out other forms of care, connection, and community due to the fear of deportation and detention.

Providing children and youth with a sense of stability and safety where they know they are safe, what comes next for them in their application process, and that they are supported, is critical for their health, and development in all stages from childhood, adolescence, and young adulthood. Protection from deportation itself supports young people's ability to build their lives and recover from the harms that they survived. For many SIJS recipients, the prolonged wait for a visa

⁶ Sarah Pierce and Jessica Bolter, *Dismantling and Reconstructing the U.S. Immigration System: A Catalog of Changes under the Trump Presidency* (Washington, DC: Migration Policy Institute, 2020), <https://www.migrationpolicy.org/research/us-immigration-system-changes-trump-presidency>.

⁷ Mares, Sarah, and Anna Ziersch. "How Immigration Detention Harms Children: A Conceptual Framework to Inform Policy and Practice." *Psychological Trauma: Theory, Research, Practice, and Policy* 16, Suppl. 2 (2024): S367–S378. <https://doi.org/10.1037/tra0001474>.

⁸ Rachel Leya Davidson and Laila L. Hlass, "Any Day They Could Deport Me": Over 44,000 Immigrant Children Trapped in SIJS Backlog," (The Door and the End SIJS Backlog Coalition, November 2021), <https://static1.squarespace.com/static/5fe8d735a897d33f7e7054cd/t/61a7bceb18795020f6712eff/1638382830688/Any+Day+They+Could+Deport+Me--Over+44%2C000+Immigrant+Children+Trapped+in+the+SIJS+Backlog+%28FULL+REPORT%29.pdf>

produces significant anxiety, and the additional stress that the fear of deportation brings would mean return to the abuse they endured.

Increased risk of detention and deportation harms SIJS youth and their caregivers

Fear of deportation casts a cloud of uncertainty and danger over common activities that affect immigrants' ability to live their lives. This phenomenon restricting daily life—commonly referred to as the “chilling effect”—causes families to avoid seeking out basic necessities, from medical care to social services.⁹ In this current political climate, many providers and advocates are already reporting on this chilling effect and its impact on school attendance and academic achievement, child care attendance and participation, and delivery of timely health care.¹⁰ Moreover, an environment of fear negatively affects youth's emotional well-being, sometimes impacting their healthy development.

Educational Impacts

There is robust evidence that heightened immigration enforcement results in decreases in K-12 school enrollment among Hispanic children and harms academic performance and engagement among minority students.¹¹ Following the 2019 Mississippi worksite raid, children were absent from schools for several days, with some families hiding in their homes for weeks with curtains pulled over their windows.¹² Providers in K-12 settings have reported that Latino students directly expressed fear and concern over immigration enforcement, negatively affecting their

⁹ Xu, Qingwen, and Kalina Brabeck. 2012. “Service Utilization for Latino Children in MixedStatus Families.” *Social Work Research* 36 (3): 209–21. <https://doi.org/10.2307/42659834>.; Heinrich, Carolyn, Mónica Hernández, and Mason Shero. 2022. “Repercussions of a Raid: Health and Education Outcomes of Children Entangled in Immigration Enforcement.” *Journal of Policy Analysis and Management* 42 (2). <https://doi.org/10.1002/pam.22443>.

¹⁰ Riddell, Roger. 2025. “Denver Public Schools Sues over Trump Policy Allowing On-Campus ICE Raids.” *K-12 Dive*. February 14, 2025. <https://www.k12dive.com/news/denver-public-schools-sues-over-trump-immigration-policy/740145/>.; Made r, Jackie. 2025. “Parents Pull Kids from Childcare as Immigration Fears Hit US's Youngest.” *The Guardian*. February 7, 2025. <https://www.theguardian.com/us-news/2025/feb/07/us-immigration-childcare-workers>.; Schorsch, Kristen. 2025. “Fearful amid ICE Crackdowns, Some Immigrants Are Skipping Health Care.” *Transcript*. NPR. <https://www.npr.org/transcripts/nx-s1-5290063>.

¹¹ Dee, Thomas S., and Mark Murphy. 2018. “How Strict Immigration Enforcement Harms Schoolchildren.” *Stanford Institute for Economic Policy Research (SIEPR)*. Stanford University. October 2018. <https://siepr.stanford.edu/publications/policy-brief/how-strict-immigration-enforcement-harms-schoolchildren>.; Ee, Jongyeon, and Patricia Gándara. 2020. “The Impact of Immigration Enforcement on the Nation's Schools.” *American Educational Research Journal* 57 (2): 000283121986299. <https://doi.org/10.3102/0002831219862998>.; Bellows, Laura. 2021. “The Effect of Immigration Enforcement on School Engagement: Evidence from 287(G) Programs in North Carolina.” *AERA Open* 7 (1): 233285842110394. <https://doi.org/10.1177/23328584211039467>.

¹² Cervantes, Wendy, Rebecca Ullrich, and Vanessa Meraz. 2020. “The Day That ICE Came: How Worksite Raids Are Once Again Harming Children and Families.” *CLASP*. June 13, 2020. <https://www.clasp.org/publications/report/brief/day-ice-came-how-worksite-raids-are-once-again-harming-children-and/>.

academic performance.¹³ In a survey of educators during the first Trump administration, one high school administrator said that children in immigrant families “are not thinking about college, or the test next week, or what is being taught in the classroom today. They are thinking about their family and whether they will still be a family; whether their family will remain intact.”¹⁴ Moreover, immigration enforcement impacts all students, not just those in immigrant families; researchers have found that absences affect overall school achievement scores and school funding, resulting in a “vicious cycle of underachievement.”¹⁵

Mental Health Impacts

Numerous studies demonstrate the connection of both the threat of immigration enforcement as well as the detention and deportation of a family member to adverse mental health, behavioral problems, and health issues for children in immigrant families. For example, after a Tennessee workplace raid in April 2018 detained 97 undocumented workers, behavioral issues and substance use among local Hispanic students increased, including among U.S. citizen children whose families were not directly involved in the raid. Substance use disorders during the raid year was 1.5 times above the average rate, while diagnoses of self-harm, suicide attempts, or suicidal ideation increased by 50 percent.¹⁶ Nearly half of U.S.-born Latino adolescents are concerned, at least some of the time, with the personal impacts of U.S. immigration policy (44%), family separation caused by deportation of a loved one (44%), and a family member being reported to an immigration office (41%). These adolescents are more likely to experience higher levels of anxiety, sleep issues, and adverse blood pressure changes.¹⁷

The threats to children’s mental health have devastating consequences. More recently in Texas, news outlets reported the suicide of an 11-year old child on February 8, due to bullying at school about her family’s immigration status, including threats from peers to call ICE on her family.¹⁸ Rumors about ICE coming to the school likely came after an email sent to parents that addressed President Trump’s new immigration policies.

¹³ Ruskin, Emily. 2020. “A Generation at Risk: The Impact of Immigration Enforcement on UnidosUS-Affiliated Classrooms and Educators.” UnidosUS. March 2020. <https://unidosus.org/publications/2024-a-generation-at-risk-the-impact-of-immigration-enforcement-on-unidosus-affiliated-classrooms-and-educators/>.

¹⁴ Ee, Jongyeon, and Patricia Gándara. 2020. “The Impact of Immigration Enforcement on the Nation’s Schools.” *American Educational Research Journal* 57 (2): 000283121986299. <https://doi.org/10.3102/0002831219862998>.

¹⁵ Ee, Jongyeon, and Patricia Gándara. 2020. “The Impact of Immigration Enforcement on the Nation’s Schools.”

¹⁶ Heinrich et al., 2022. “Repercussions of a Raid”

¹⁷ Eskenazi, Brenda, Carolyn A. Fahey, Katherine Kogut, Robert Gunier, Jacqueline Torres, Nancy A. Gonzales, Nina Holland, and Julianna Deardorff. 2019. “Association of Perceived Immigration Policy Vulnerability with Mental and Physical Health among US-Born Latino Adolescents in California.” *JAMA Pediatrics* 173 (8): 744–53. <https://doi.org/10.1001/jamapediatrics.2019.1475>.

¹⁸ Killough, Ashley, and Ed Lavandera. 2025. “Chatter and Rumors about ICE Went on for Days at School of Texas Girl Who Died by Suicide.” CNN. February 21, 2025. <https://www.cnn.com/2025/02/20/us/texas-ice-jocelynn-rojo-carranza/index.html>.

Employment authorization via deferred action safeguards youth from exploitation and expands access to education, careers, and opportunity

Since the creation of the SIJS Deferred Action policy, immigrant youth who are trapped in a years-long green card backlog have been able to work lawfully, which protects them from labor exploitation and further abuse. They have been able to go to school and progress in their lives without fear of deportation. This stability is essential for healthy childhood and adolescent development. Being able to focus on education, plan for the future, and participate in daily life without the constant threat of removal allows young people to heal from past trauma, build self-sufficiency, and fully realize their potential. Without this sense of safety and opportunity, their mental health, academic success, and long-term well-being are all at serious risk.

Access to an Employment Authorization Document (EAD) unlocks essential services and opportunities, particularly at the state and local level, such as internships, experiential learning, counseling or other training opportunities.¹⁹ Work authorization may also be a child or young person's sole form of U.S. government-issued identification. These documents unlock essential services and opportunities for youth including insurance coverage, financial aid for college or other post-secondary programs, and driver's licenses, among other things.²⁰ For example, SIJS recipients turning 18 in some states may qualify for long-term foster care or other transitional programs, but to be accepted must comply with work requirements, which they cannot do without an EAD.²¹

Access to EADs not only allows SIJS recipients to work lawfully and earn money to survive and thrive, but it also protects them from labor exploitation as they await available visas to apply for adjustment of status. The need to support themselves and others could steer some SIJS recipients without employment authorization, to exploitative employers or even traffickers who may take advantage of their vulnerabilities.²² Blocking access to the EAD during a pivotal time in a young person's life undermines the nature of the immigration benefit itself as a humanitarian response for a young person already found to need protection within the child welfare system and for whom it is not in their best interests to return to their country of origin. Ultimately, for these young people, access to an EAD represents far more than the right to work in the United

¹⁹ Kids in Need of Defense, *Left in Limbo: Why Special Immigrant Juveniles Need Employment Authorization* (Washington, DC: Kids in Need of Defense, January 2022), <https://supportkind.org/wp-content/uploads/2022/01/SIJS-EAD-Brief-1.10.21-FINAL.pdf>

²⁰ Andrew Calderón, "These Young People Were Told They Could Stay in the U.S. They Might Get Deported Anyway," *The Marshall Project*, January 28, 2021, <https://www.themarshallproject.org/2021/01/28/these-young-people-were-told-they-could-stay-in-the-u-s-they-might-get-deported-anyway>.

²¹ See California Department of Social Services, All County Letter No. 11-61 (November 4, 2011), <https://bit.ly/3fqjZF8>, and Washington State Department of Children, Youth & Families, Extended Foster Care, <https://bit.ly/3fee3g5>.

²² See "Left in Limbo" Report; "Any Day" Report; and "A Long Wait" Report

States. It is the key to accessing independence, recovering from past harms, and building a safe, secure future.

Conclusion

Deferred Action for SIJS youth helps to protect these children from abuse, sexual exploitation, and trafficking. We implore you to reinstate Deferred Action for SIJS youth in the visa backlog. Protecting children already present in our communities is important, and represents our values. These children and young people have already been through so much and should be supported and protected, not facing fear of deportation and exploitation. If you have any questions about the feedback provided, please contact Priya Pandey at ppandey@clasp.org.