

## UACs & SIJS

### Volunteer Attorney Practice Update

May 2026

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## MAJOR UPDATES

### 1. J.O.P. settlement extended until November 18, 2026!

- The district court [granted](#) Class Counsel's (KIND, NIP, Public Counsel and others) ([motion to extend the Settlement Agreement's termination date](#), extending the Agreement (set to expire on May 27, 2026) to [November 18, 2026](#). The court granted the motion after concluding that [USCIS's asylum pause memo](#)—which prohibited all USCIS asylum adjudications for several months and continues to prohibit asylum adjudications for noncitizens from certain countries—constituted a “dramatic change in circumstances” that “Class Counsel could not have actually anticipated.”

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### 2. SIJS Deferred Action — May 8 Filing Deadline

- USCIS issued a memo on **April 10, 2026**, re-terminating its SIJS deferred action policy **effective May 10, 2026**.
- **Importantly, USCIS has now confirmed that filings made *before* May 10 will still be adjudicated under the 2022 deferred action policy.** Because **May 10 falls on a Sunday**, filings should be **received by USCIS no later than Friday, May 8, 2026**.
- **SIJS Petitions (Form I-360):**
  - SIJS petitions filed **on or after May 10** will *not* receive automatic deferred action consideration if approved.
- **SIJS Deferred Action Renewals (Form G-325A):**
  - SIJS beneficiaries with existing deferred action whose DA expires within six months must file renewal requests **received by May 8, 2026** to be considered under the 2022 policy.
  - USCIS currently accepts renewals **within six months of expiration, if the youth's priority date is not current**. If the priority date IS current, please file for Adjustment of Status.
- Here are some resources to consult:

- [NIP Template Renewal Request](#)
- [Instructions for Form G-325A, Biographic Information for Deferred Action](#)

If you have questions about whether a case falls into one of the covered approval windows, please contact your AHR mentor or staff attorney.

### 3. SIJS Adjustment of Status (EB-4) — NEW Visa Bulletin Change

We have also received an important **June 2026 Visa Bulletin update** directly affecting **SIJS adjustment applicants**.

#### ⚠ Chart B (Dates for Filing) Closes for Employment-Based Cases

- **Starting May 1, 2026**, USCIS will require **employment-based applicants (including SIJS / EB-4)** to use **Final Action Dates (Chart A)** only.
- The **Dates for Filing chart (Chart B)** will **no longer be available** for EB categories for 2026.
- Family-based applicants may still use Chart B, but **SIJS applicants may not**.

### JUNE 2026 Visa Bulletin: Can I Apply for a Green Card Yet?

The EB4 category for SIJS adjustment of status is **once again available** on the Department of State's [website](#). Current [USCIS guidance](#) indicates that the "Dates for Final Action" chart should be used to determine visa eligibility for June 2026. A copy of the chart is below:

| Employment-based                                         | All Chargeability Areas Except Those Listed | CHINA-mainland born | INDIA   | MEXICO  | PHILIPPINES |
|----------------------------------------------------------|---------------------------------------------|---------------------|---------|---------|-------------|
| 1st                                                      | C                                           | 01APR23             | 15DEC22 | C       | C           |
| 2nd                                                      | C                                           | 01SEP21             | 01SEP13 | C       | C           |
| 3rd                                                      | 01JUN24                                     | 01AUG21             | 15DEC13 | 01JUN24 | 01AUG23     |
| Other Workers                                            | 01FEB22                                     | 01APR19             | 15DEC13 | 01FEB22 | 01NOV21     |
| 4th                                                      | 15JUL22                                     | 15JUL22             | 15JUL22 | 15JUL22 | 15JUL22     |
| Certain Religious Workers                                | 15JUL22                                     | 15JUL22             | 15JUL22 | 15JUL22 | 15JUL22     |
| 5th Unreserved (including C5, T5, I5, R5, NU, RU)        | C                                           | 22SEP16             | 01MAY22 | C       | C           |
| 5th Set Aside: Rural (20%, including NR, RR)             | C                                           | C                   | C       | C       | C           |
| 5th Set Aside: High Unemployment (10%, including NH, RH) | C                                           | C                   | C       | C       | C           |
| 5th Set Aside: Infrastructure (2%, including RI)         | C                                           | C                   | C       | C       | C           |

Individuals whose I-360 Approval Notices have **Priority Dates BEFORE July 15, 2022** may now apply to adjust status to a permanent resident. If your client is eligible to adjust, we strongly advise that you submit any green card applications **as soon as possible**. Please consult Kim Boche if you believe that your client is eligible to adjust status. Take a look at the National Immigration Project's recent publication regarding

March's EB-4 priority date jump: [The March 2026 Visa Bulletin: What it Means for SIJS Youth](#).

### ► IMPORTANT ALERT: SIJS & Removal Proceedings

Our local chapter reports Fort Snelling IJs are no longer granting continuances, administrative closure, or status docket motions on the basis of pending—or even approved-I-360s where a visa is not current unless DHS has granted the individual deferred action. DHS attorneys are also pushing IJs to enter final orders of removal for Respondents with SIJS but no deferred action. Some Fort Snelling IJs are also denying continuances, administrative closure, terminations, or status docket motions on the basis of pending TVPRA asylum applications.

**Also, we have been noticing that UACs who are docketed this summer (specifically July and August) with IJ Sardelli have had their hearing now docketed with IJ Hansen on a different day. Make sure to double check your ECAS portal for when UAC clients' hearing dates are, especially for this summer.**

- Action Plan:
  - If your UAC client has a viable asylum claim, they have a statutory right to an affirmative interview with USCIS under the TVPRA. UACs in this situation should continue to file their asylum application with USCIS, provide proof of filing to the court, and move for administrative closure.
  - If your UAC client has SIJS with deferred action, point to that and move for admin closure.
  - If your UAC client does not have an asylum case nor deferred action, but has no hearing scheduled, the best course of action may be to do nothing at this time (but continue to closely monitor ECAS)
  - If your UAC client does not have a viable asylum claim, nor deferred action, and has a hearing, consider preparing a motion for termination and in the alternative administrative closure or a continuance, and prepare for the possibility of a BIA appeal.
- **Key BIA Opinions**
  - **Matter of Cahuec Tzalam, 29 I&N Dec. 300 (BIA 2025)**  
On November 14, 2025, the BIA released a precedential decision reversing an IJ's order for administrative closure for an individual with a pending Form I-360. The BIA stated that Respondent's failure to **provide prima facie evidence of eligibility for SIJS** meant that he did not establish "a likelihood that he would prevail on his special immigrant

juvenile petition,” and therefore administrative closure was not warranted. The Board further found that, “even if the respondent had established eligibility for special immigrant juvenile classification, the indeterminate and likely lengthy period of time until he would be eligible to adjust status if his petition were ultimately approved by USCIS also **strongly militates against administrative closure.**”

- **Takeaways:**

- Motions for termination, administrative closure, or placement on the status docket based on pending I-360 **should now include as evidence a copy of the I-360 filing.**

- ***Matter of Pinzon Rozo, 29 I&N Dec. 507 (BIA 2026)***

The BIA found that the Immigration Judge erred in granting the Respondent, who has an approved petition for special immigrant juvenile classification, a continuance to await the availability of a visa, where the respondent’s priority date will not be current for an uncertain and lengthy period of time.

- **Takeaways:**

- Contrast your client’s case with circumstances of Respondent Pinzon Rozo  
Highlight:
  - Your client’s **diligence** in applying for SIJS as soon as possible (if true)
  - The fact that your client did NOT concede **removability** (if true)
  - The current status of the Visa Bulletin, which has jumped ahead considerably
- Cite to [\*Matter of L-A-B-R- 27 I&N 405 \(A.G. 2018\)\*](#) and go through the good cause analysis, highlighting factors that paint your client in a good light and preserve issues for appeal.
  - The BIA improperly ignored or did not give enough weight to several factors, including the likelihood that the collateral relief will be granted and whether such relief would materially affect the outcome of the removal proceedings

## **J.O.P. Class Issues**

If your client has issues with their J.O.P. class membership or EOIR is pushing back on USCIS’s initial jurisdiction, please let Sierra know. In the meantime, you can access important resources for J.O.P. class members through the National Immigration Project’s [website](#). If you suspect a class violation, please fill out [NIP’s noncompliance form](#) and email it to [DG-JOPClassCounsel@goodwinlaw.com](mailto:DG-JOPClassCounsel@goodwinlaw.com).

### **J.O.P. settlement extended until November 18, 2026!**

As a reminder, *J.O.P.* Class Members are those: (1) who filed an I-589 with USCIS on or before February 24, 2025, which USCIS has not adjudicated on the merits; (2) whom DHS previously determined to be an “unaccompanied alien child” (“UC”); AND (3) who, on the date they filed their I-589, EITHER were 18 years of age or older, or had a parent or legal guardian in the United States available to provide care and physical custody.

Protections for *J.O.P.* Class Members under the now-extended Settlement Agreement include the following:

- USCIS must accept initial jurisdiction over Class Members’ asylum applications, hold them exempt from the one-year filing deadline, and adjudicate them on the merits.
- ICE cannot remove Class Members who are awaiting a USCIS asylum adjudication.
- During removal proceedings, DHS cannot take the position that USCIS lacks initial jurisdiction over a Class Member’s asylum application.
- During removal proceedings, DHS must join or non-oppose Class Members’ motions to continue, administratively close, or otherwise postpone EOIR proceedings to await USCIS adjudication of asylum applications, and “generally” must join or non-oppose Class Members’ motions to dismiss or terminate proceedings.
- Class Members can request expedited adjudication of their asylum application, including in situations where they have a removal order or are in immigration detention.
- A Class Member who has a removal order and receives a USCIS asylum approval can style their motion to reopen proceedings as a joint motion.

### **ICE Check Ins**

If your UAC client is turning 17 or 18, they may get a notice from ICE calling for a “Check In” at their office. This may or may not be part of the Intensive Supervision Appearance Program (ISAP). This is not abnormal, and any noncitizen who fails to appear risks negative immigration consequences. However, recently there has been an increase in scheduled appointments due to Operation Metro Surge. Adults have been detained during or after these ICE or ISAP Check-Ins. If your client has a scheduled ICE Check-In or ISAP meeting, please reach out to Kim as soon as possible to discuss protective measures.

## PRACTICE BEFORE EOIR

### Immigration Court

EOIR has updated its policies regarding unaccompanied children. At Ft. Snelling, youth between 18 and 21 years of age will now be placed on the adult docket. You should advise clients that they will likely be issued in absentia orders for their first missed hearing.

### Expedited Removal FAQs:

#### **Does my UAC client have to worry about expedited removal?**

Minors and UAC are generally not subject to expedited removal. UAC and minors are entitled to go through removal proceedings in front of a judge. All UACs from non-contiguous countries are NOT subject to expedited removal, even those without a pending asylum application. However, UAC from contiguous countries (Mexico and Canada) can be immediately returned to their country of origin without going through removal proceedings. Additionally, once a UAC turns 18, they may lose this protection from expedited removal.

### Mandatory Detention

The government argues that individuals that entered the U.S. without inspection are perpetually subject to mandatory detention under 8 U.S.C. § 1225(b)(2) because they are still “seeking admission.” See Matter of Yajure Hurtado.

- On March 25, 2026, the 8<sup>th</sup> Circuit agreed with the 5<sup>th</sup> Circuit and the government’s interpretation of 8 U.S.C. § 1225(b)(2) in *Avila v. Bondi*, No. 25-3248, 2026 WL 819258 (8th Cir. Mar. 25, 2026). Read the full decision here. This circuit split is headed to the Supreme Court. See our EOIR Practice Advisory for more details regarding the effect of the 8<sup>th</sup> Circuit’s decision.

**This is an evolving issue. If your client is detained, please contact your AHR mentor immediately.**

### Administrative Closure and Termination

We advise all attorneys to request administrative closure or termination for clients with approved or pending USCIS applications. Please contact Kim Boche with any specific questions regarding EOIR strategy.

#### **When is termination of removal proceedings discretionary?**

Termination of removal proceedings is discretionary for deferred action SIJS and UAC who have filed an asylum application under the TVPRA. See 8 C.F.R.

§ 1003.18(d)(1)(ii). We now recommend that individuals with approved SIJS and deferred action submit motions to terminate and request administrative closure, a continuance, and placement on the status docket in the alternative. Please reach out to your assigned AHR staff member to receive a template motion.

### **What about administrative closure?**

The EOIR published a new rule in May 2024 which granted immigration judges and the BIA authority to administratively close cases only upon a motion from one or both parties. See [8 C.F.R. § 1003.18](#). The motion is considered by applying a multi-factor test that adopts many factors from [Matter of Avetisyan](#).

### **How does the BIA/IJ decide on a motion to administratively close?**

Judges must administratively close cases where the parties agree. Judges may also grant motions to administratively close over silence or opposition by the non-moving party; the adjudicator will weigh various factors (largely mirroring those in *Matter of Avetisyan*) in making its decision. Neither party can summarily block a motion for administrative closure; the immigration judge must consider the arguments of both parties in the ruling. This is important because ICE does not have to agree for a motion to administratively close to succeed. ([ILRC](#))

### **► IMPORTANT ALERT: Motions to Recalendar**

Beginning in May of 2025, DHS attorneys began submitting motions to reopen thousands of administratively closed cases. In most cases, these motions provide no reason for recalendar. We recommend that attorneys file opposition to these motions. We have received credible reports that some attorneys have not been properly served with DHS's motions to recalendar. If you are the attorney of record in your client's case, please **monitor your ECAS account and email regularly**. **Opposition must be filed within 10 days of service of the motion to recalendar**. Reach out to Sierra if you receive a Motion to Recalendar to discuss next steps.

- Please refer to this [guide](#) for more information about this recalendar trend. You may also find this [template](#) useful when drafting your opposition.

### **Pleadings & Third Country Removals**

The Supreme Court recently [lifted the injunction](#) preventing the Trump Administration from removing individuals to third countries (countries in which the

individual does not have legal status or citizenship). Please contact Sierra if your clients must submit pleadings to the immigration court to discuss strategical options about preventing third-country removal.

## HELPFUL LINKS

- [Pro bono portal](#) (pw: probono). The portal houses tools and resources available to you, including:
  - Immigration Deskbook** – written training with [a section on SIJS](#)
  - [Pro Bono Portal Page on Unaccompanied Minors](#) has links to trainings like an “Intro to SIJS”

## TOOLS FOR WORKING WITH CLIENTS

- Tool [explaining the SIJS process to clients](#) (available in English and Spanish). Access “[A Toolkit for Navigating Difficult Conversations with Child Clients: Guidance & Examples.](#)”
- Minnesota has Published Materials on SIJS for “**Children involved with Child Welfare Services.**”  
The MN Department of Human Services has provided child welfare workers a [manual on SIJS](#) and the role of a welfare system worker in assisting migrant children in obtaining permanent status.
- Client is having **non-legal issues** (e.g., in need of therapy, housing assistance, food assistance)  
Please email Kim and our Social Work Intern at [socialwork@advrights.org](mailto:socialwork@advrights.org).
- **Know Your Rights**  
Visit our [Know Your Rights page](#) for resources and tools to pass along to clients. Please watch our new videos that explain what clients can expect from their interactions with ICE and how they can best prepare. Available in [English](#) and [Spanish](#).

## SIJS FAQ

? Do you have questions about SIJS for youth over 18?

[LawHelp MN published a factsheet](#) on the new MN laws affecting SIJS.

? What’s going on with the SIJS Visa Bulletin?

The [End SIJS Backlog Coalition](#) published this [Practice Alert](#) which discusses the April 2023 Visa Bulletin, important changes that retrogression has on SIJS recipients. As a brief update, all counties will be backlogged and the northern

triangle category was merged into the “All Areas” group on April 1. There is active advocacy to exempt SIJS applicants from the numerical limitations of the visa bulletin. To find out more and to join the Coalition, please visit [sijsbacklog.com](https://sijsbacklog.com) or email [rdavidson@nipnlq.org](mailto:rdavidson@nipnlq.org).

## WORK PERMIT FAQ

Check out our [EAD Training Video](#) for information on **(C)(8) (asylum) work permits**. Initial work permits are being approved in record time, especially if filed online!

**SIJS (C)(14) EADs:** • USCIS issued a memo on **April 10, 2026**, re terminating its SIJS deferred action policy **effective May 10, 2026**. If clients applied for SIJS **on or after May 10, 2026**, they **will not be able to apply for work permits under the (c)(14) category**. If clients also apply for deferred action with SIJS and receive a grant of deferred action on or after May 10, 2026, clients will then be able to apply for work permits under the (c)(14) category.

**Importantly, USCIS has now confirmed that filings made *before May 10* will still be adjudicated under the 2022 deferred action policy.** Because **May 10 falls on a Sunday**, filings should be **received by USCIS no later than Friday, May 8, 2026**. For these filings, clients should automatically be considered for deferred action. If clients receive a grant of deferred action, clients will then be able to apply for work permits under the (c)(14) category.

Under the deferred action policy announced in June of 2025, the Trump administration was no longer providing deferred action for juveniles granted SIJS. This means that clients with SIJS could no longer apply for work permits under the (c)(14) category. However, pursuant to the November 2025 [the stay order in A.C.R. v. Noem](#), the government must now revert to the prior SIJS Deferred Action policy. In theory, this means that the government must make new deferred action determinations for individuals granted SIJS after April 2025. If given deferred action, they will then be eligible to apply for work permits.