



Quick Reference Guide – Special Immigrant Juvenile Status and EB-4 Immigrant Visa Availability

What does it mean when visas are currently “unavailable” for children and youth with special immigrant juvenile status (SIJS)?

- Upon the grant of a qualifying state court order, a child or youth is *immediately* eligible to file a [petition](#) with U.S. Citizenship and Immigration Services (USCIS) to request classification as a special immigrant juvenile, a status that allows the youth to “get in line” for the opportunity to apply for permanent residence in the United States (i.e., a green card).
- Before an SIJS youth can apply for permanent residence, an immigrant visa number must be immediately available at the time of filing the application. Congress has imposed annual [numerical limits](#) on the issuance of immigrant visas. The limits are imposed by category: family-based, employment-based, and certain special immigrants. Each country is subject to additional numerical limitations.
- There are no limits to the number of SIJS petitions that can be filed or approved each year, but there are limited immigrant visa numbers allocated to special immigrants that may delay an SIJS youth from filing an application for permanent residence.
- An immigrant visa number does not need to be available for a child or youth to file an SIJS petition nor for USCIS to approve the SIJS petition. Visa number availability is only a consideration after an SIJS petition has been approved and an individual seeks permanent residence status.
- Permanent residence applications for SIJS youth and other special immigrants are processed as part of a catch-all category designated as the [Employment-Based, 4th Preference](#), or “EB-4,” category.
- For certain countries there are enough visas available and a child with SIJS does not need to wait to apply for permanent residence. For other countries, there are more approved SIJS petitions than there are visa numbers available. There is a system to keep track of how many visas are available and who is next in line when more visas become available. The system is chronological, based on the date the SIJS petition was filed, or “priority date.”
- Every month, USCIS publishes a [Visa Bulletin](#) to let applicants know how far USCIS has made it down the line. When visas are unavailable, a child with SIJS must wait for the opportunity to apply for a green card.
- A child with SIJS may apply for a green card once their [priority date](#) is current in the “EB-4” preference category. At this point, the child has reached the front of the line. USCIS or an immigration judge will review their permanent residence application to determine if they qualify. If so, the child will receive a green card.
- Beginning May 2022, SIJS youth who are unable to seek permanent residence solely due to visa unavailability may be granted [deferred action by USCIS](#) for up to four years.
- Deferred action is a form of prosecutorial discretion to defer removal of a noncitizen from the United States for a certain period of time.
- SIJS youth who have been granted deferred action may seek employment authorization for the period of their deferred action.

*This is not legal advice. This resource is for informational purposes only and should not substitute your own research and analysis.