



March 18, 2021

PA-2021-03

## Policy Alert

SUBJECT: Special Immigrant Juvenile Classification and *Saravia v. Barr* Settlement

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating the [USCIS Policy Manual](#) regarding the special immigrant juvenile (SIJ) classification to incorporate changes agreed to in the settlement agreement resulting from the *Saravia v. Barr* class action lawsuit.<sup>1</sup>

### Background

USCIS determines whether an SIJ petitioner meets the requirements for SIJ classification. As part of this determination, USCIS must review the juvenile court order and any supporting evidence submitted to assess whether the request for SIJ classification is bona fide; if USCIS determines it is bona fide, then USCIS consents to the SIJ classification. The *Saravia v. Barr* Settlement Agreement impacts the application of the USCIS consent function as well as the grounds upon which the agency may revoke an SIJ petition.

This update, contained in Volume 6 of the Policy Manual, is effective immediately and applies to both cases pending on or after March 18, 2021. This guidance is controlling and supersedes any prior guidance on the topic.

### Policy Highlights

- USCIS will not refuse its consent to a request for SIJ classification based in whole or in part on the fact that the state court did not consider or sufficiently consider evidence of the petitioner's gang affiliation when deciding whether to issue a predicate order or in making its determination that it was not in the best interest of the child to return to his or her home country.
- USCIS will not use its consent authority to reweigh the evidence that the juvenile court considered when it issued the predicate order.
- USCIS will not revoke a petition for SIJ classification based in whole or in part on the fact that the state court's best interest determination was not made with consideration of the petitioner's gang affiliation.

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<sup>1</sup> See [Saravia v. Barr](#), 3:17-cv-03615 (N.D. Cal. January 14, 2021).

**Citation**

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