



Quick Reference Guide - SIJ Status and EB-4 Immigrant Visa Availability

WHAT DOES IT MEAN WHEN VISAS ARE CURRENTLY “UNAVAILABLE” FOR SPECIAL IMMIGRANT JUVENILES?

- Upon the grant of a qualifying state court order, a child is *immediately* eligible to file a [petition](#) with U.S. Citizenship and Immigration Services (USCIS) to request classification as a Special Immigrant Juvenile (SIJ), a status that allows the child to “get in line” for the opportunity to apply for permanent residence in the United States (i.e. a green card).
- Before an SIJ 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 (i.e. employment-based, family-based, or other special immigrants) with each country subject to additional limitations.
- There are no limits to the number of SIJ petitions that can be filed or approved each year, but there are limited immigrant visa numbers which may delay the filing of an application for permanent residence.
- An immigrant visa number does not need to be available for a child to file an SIJ petition nor for USCIS to approve the SIJ petition. Visa number availability is only a consideration after an SIJ petition has been approved and an individual seeks permanent residence status.
- Approval of the SIJ petition is not a defense to removal (deportation), but it does allow a child with SIJ status to “wait in line” for a green card while a visa number becomes available.
- Permanent residence applications for SIJs and other special immigrants are processed as part of a catch-all category designated as “[Employment-Based, 4th Preference](#),” or “EB-4,” category.
- Sometimes, there are enough visa numbers available and a child with SIJ status does not need to wait but can immediately apply for permanent residence. Other times there are more approved SIJ petitions than there are visa numbers available. For that reason, 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 SIJ petition was filed (called a “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 SIJ status must wait for the opportunity to apply for a green card. If the annual limit is reached, they have to wait until the following year(s).
- A child with SIJ status 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.