

Protect Vulnerable Immigrant Youth Act of 2023: An Overview

The Protect Vulnerable Immigrant Youth Act, led by Reps. Gomez, Espaillat, and Lofgren together with Sen. Cortez Masto, would bring overdue reforms to Special Immigrant Juvenile Status (SIJS) by exempting vulnerable youth from annual visa limits misaligned with the congressional intent behind this humanitarian classification. By doing so, the Act would help ensure access to vital protections for young immigrant survivors of trafficking, abuse, domestic violence, and other harms.

Background and Problem

Created by Congress in 1990, the SIJS classification allows children who have been found by a state court to have survived parental abuse, abandonment, or neglect, or who have experienced similar harms at the hands of one or both parents, and whose return to their countries of origin would not serve their best interests, to petition U.S. Citizenship and Immigration Services (USCIS) for SIJS.¹ A young person classified by USCIS as a Special Immigrant Juvenile may apply for lawful permanent residence, or a “green card,” as soon as an immigrant visa is available and may ultimately seek U.S. citizenship.

Even though SIJS is a form of humanitarian protection, SIJS visas are counted against the annual employment-based cap of 140,000 visas. Within that ceiling, SIJS visas are drawn from the fourth preference category, subject to a limit of 7.1% of all employment-based visas, and to per-country caps. Only a small fraction of those visas are available to those with SIJS. Constraints in the fourth preference category, driven in significant part by the pressing need for humanitarian protection among youth from northern Central America and Mexico, has caused years-long waits for individuals within that category, including youth granted SIJS and religious workers.

This so-called “SIJS visa cap” needlessly restricts visa numbers and associated green card availability for vulnerable young survivors, subjecting them to years of legal limbo and often leading to profound adverse consequences. Without access to lawful permanent residence, SIJS recipients are in many cases unable to achieve stability and fully integrate into their communities, access aid to pursue education or career goals, and are at risk of further exploitation.

The SIJS visa cap has undermined the congressional intent of this protection pathway, posing severe obstacles to security for children and youth already determined by USCIS to qualify for permanent protection in the United States. Only Congress has the authority to fix this problem.

Protect Vulnerable Immigrant Youth Act

The Protect Vulnerable Immigrant Youth Act exempts SIJS visas from annual worldwide numerical limitations. In doing so, it brings long overdue reforms to the SIJS program and aligns it with the original intent of Congress to meaningfully protect these vulnerable youth.

KIND applauds the introduction of the Protect Vulnerable Immigrant Youth Act in the House and the Senate and urges members to move swiftly to delivery safety and stability to SIJS youth by passing this bill.

¹ Immigration and Nationality Act (INA) § 101(a)(27)(J), 8 U.S.C. 1101(a)(27)(J).