



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 17143758

Date: MAY 23, 2022

Appeal of National Benefits Center Decision

Form I-485, Application for Adjustment of Status of U Nonimmigrant

The Petitioner seeks classification as a special immigrant juvenile (SIJ) under sections 101(a)(27)(J) and 204(a)(1)(G) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1101(a)(27)(J) and 1154(a)(1)(G). The Director of the National Benefits Center (Director) denied the Petitioner's Form I-360, Petition for Special Immigrant Juvenile (SIJ petition) and the Petitioner appealed that decision to the Administrative Appeals Office (AAO). Upon *de novo* review, we will remand the matter to the Director for the issuance of a new decision.

To establish eligibility for SIJ classification, a petitioner must show that he or she is unmarried, under 21 years old, and has been subject to a state juvenile court order determining that the petitioner cannot reunify with one or both parents due to abuse, neglect, abandonment, or a similar basis under state law. Section 101(a)(27)(J) of the Act; 8 C.F.R. § 204.11(c). The petitioner must have been declared dependent upon the juvenile court, or the juvenile court must have placed the petitioner in the custody of a state agency or an individual or entity appointed by the state or the juvenile court. Section 101(a)(27)(J)(i) of the Act. The record must also contain a judicial or administrative determination that it is not in the petitioner's best interest to return to his or her parents' country of nationality or last habitual residence. *Id.* at section 101(a)(27)(J)(ii).

A nonimmigrant may not be classified as a special immigrant juvenile unless the nonimmigrant is the beneficiary of an approved petition to classify a nonimmigrant as a special immigrant under section 101(a)(27) of the Act. 8 C.F.R. § 204.11(b). The petition must be filed on Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant. *Id.* The nonimmigrant, or any person acting on the nonimmigrant's behalf, may file the petition for special immigrant juvenile status. *Id.* The person filing the petition is not required to be a citizen or lawful permanent resident of the United States. *Id.*

The Director denied the Petitioner's SIJ Petition solely because it was signed by the Petitioner's counsel and not the Petitioner himself, which is impermissible pursuant to 8 C.F.R. 103.2(a)(2) (delineating signature requirements for applications and petitions generally). However, special immigrant juvenile petitioners are governed by 8 C.F.R. § 204.11(b), which does not require the Petitioner to sign his Form I-360 and allows his counsel to sign it on the Petitioner's behalf. Therefore, the Director erred in denying the SIJ petition for a deficient signature.

Although the Petitioner has overcome the sole basis for the Director's denial, the Director did not make all the requisite determinations regarding parental reunification, custody or dependency, and whether USCIS' consent to his SIJ classification is warranted.

Therefore, we will remand the matter to the Director for a redetermination of whether the Petitioner meets all the requirements for SIJ classification.

**ORDER:** The decision of the Director is withdrawn. The matter is remanded to the Director for the entry of a new decision consistent with the foregoing analysis.