



U.S. Citizenship
and Immigration
Services

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 22678878

Date: NOV. 04, 2022

Appeal of National Benefits Center Decision

Form I-360, Petition for Special Immigrant Juvenile

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 denied the Form I-360, Petition for Special Immigrant Juvenile (SIJ petition) because the Court's order, submitted by the Petitioner to support his eligibility for SIJ classification, was not signed or dated by the Court. On appeal, the Petitioner submits a brief and additional documents, including a signed and dated order. We review the questions in this matter de novo. *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will sustain the appeal.

I. LAW

To establish eligibility for SIJ classification, petitioners must show that they are unmarried, under 21 years old, and have been subject to a state juvenile court order determining that they cannot reunify with one or both parents due to abuse, neglect, abandonment, or a similar basis under state law. Section 101(a)(27)(J)(i) of the Act; 8 C.F.R. § 204.11(b).¹ Petitioners must have been declared dependent upon the juvenile court, or the juvenile court must have placed them 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; 8 C.F.R. § 204.11(c)(1). The record must also contain a judicial or administrative determination that it is not in the petitioners' best interest to return to their or their parents' country of nationality or last habitual residence. *Id.* at section 101(a)(27)(J)(ii); 8 C.F.R. § 204.11(c)(2). SIJ classification may only be granted upon the consent of USCIS after the petitioner meets all other eligibility criteria and establishes that the request for SIJ classification is bona fide. Section 101(a)(27)(J)(i)-(iii) of the Act; 8 C.F.R. § 204.11(b)(5). Petitioners bear the burden of proof to demonstrate their eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

¹ The Department of Homeland Security issued a final rule, effective April 7, 2022, amending its regulations governing the requirements and procedures for petitioners who seek SIJ classification. See Special Immigrant Juvenile Petitions, 87 Fed. Reg. 13066 (Mar. 8, 2022) (revising 8 C.F.R. §§ 204, 205, 245).

II. ANALYSIS

The Petitioner, a national of Honduras, entered the United States in 2017. In 2020, the Petitioner's mother filed for conservatorship with the Texas District Court, [redacted] Judicial District, [redacted] (Court). The Court determined it had jurisdiction over the matter and issued an order appointing sole managing conservatorship of the Petitioner to his mother. The Court made findings on the Petitioner's parentage and determined that the Petitioner's father had abused, abandoned, and neglected him, citing to the relevant state laws and providing a factual basis for its finding that the Petitioner's reunification with his father was not viable based on abuse, abandonment, and neglect. The Court further determined it was not in the then 17-year-old Petitioner's best interest to return to Honduras, again citing to Texas law and providing its reasoning. Based on this order, the Petitioner filed his SIJ petition, attesting to being unmarried and submitted his birth certificate and a certified copy of the Court's order, which were unsigned and undated. The Director issued a notice of intent to deny (NOID) stating the Petitioner "had not provided a court order from a juvenile court with the required SIJ determinations" but did not reference the missing signature or date on the order. In response to the NOID, the Petitioner filed a brief re-asserting his eligibility and additional certified copies of the order. The Director denied the SIJ petition explaining that the Petitioner had not established the order was issued by a court because it was a draft of a court order that was not signed or dated by a judge. On appeal the Petitioner submits a digitally signed and dated certified copy of the order, along with a brief and portions of the record.

Upon de novo review, the Petitioner's submissions on appeal have overcome the Director's ground for denying his petition. In addition, the Petitioner has established by a preponderance of the evidence that he meets all other eligibility criteria and that his request for SIJ classification is bona fide. Section 101(a)(27)(J)(i)-(iii) of the Act; 8 C.F.R. § 204.11(b)(5). Accordingly, the Petitioner has established that he is eligible for and merits USCIS' consent to his SIJ classification. The Director's decision to the contrary is withdrawn.

ORDER: The appeal is sustained.