



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

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

In Re: 22461095

Date: NOV. 22, 2022

Motion on Administrative Appeals Office 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 San Antonio, Texas Field Office denied the Petitioner's Form I-360, Petition for Special Immigrant Juvenile (SIJ petition), and we dismissed the Petitioner's subsequent appeal and two combined motions to reopen and reconsider. The matter is now before us on a third motion to reopen and reconsider. Upon review, we will grant the motion and sustain the appeal.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or U.S. Citizenship and Immigration Services (USCIS) policy. 8 C.F.R. § 103.5(a)(3). The motion to reconsider must also establish that the decision was incorrect based on the evidence of record at the time of the initial decision. *Id.* 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).

In 2015, when the Petitioner was 18 years old, the [ ] Judicial District Court in [ ] Texas (district court) issued an Order in Suit Affecting the Parent-Child Relationship (SAPCR order) ordering the Petitioner's mother to pay child support and making findings relating to the Petitioner's eligibility for SIJ classification. The Petitioner filed his SIJ petition based on the SAPCR order. The Director denied the petition, determining that the SAPCR order was not issued pursuant to the court's jurisdiction over the Petitioner as a juvenile. We dismissed the Petitioner's appeal, concluding that the Petitioner had not established that the district court took jurisdiction over the Petitioner as a juvenile and made a qualifying declaration of dependency or placement of custody under state law.

In 2017, the district court issued an Order on Motion to Clarify in Suit Affecting Parent-Child Relationship (clarifying order), indicating that it took jurisdiction over the Petitioner "as a 'child' as defined by Tex. Fam. Code § 101.003(b)" and that the Petitioner "is dependent on this Court pursuant to the Court's authority under Texas Family Code 154.0901(a)(1) and 154.002." Further, the district court specified that upon rendering its [ ] 2015 order it had ordered that "child support be paid in order to provide relief to [the Petitioner] ... from parental abandonment or neglect ... ." We dismissed

the Petitioner's first combined motion to reopen and reconsider, concluding that the Petitioner still had not established that the district court made a qualifying declaration of dependency or placement of custody under state law and took jurisdiction over the Petitioner as a juvenile. We also dismissed the Petitioner's second combined motion to reopen and reconsider.

On third motion, a review of the record demonstrates the Petitioner established his eligibility with the previously submitted clarifying order which specified that the district court asserted jurisdiction over the Petitioner as a child under Tex. Fam. Code § 101.003(b). Accordingly, a preponderance of the evidence establishes that the district court issued the order pursuant to its jurisdiction over the Petitioner's dependency and care as a child under Texas law, and the order was issued by a juvenile court as section 101(a)(27)(J) of the Act and 8 C.F.R. § 204.11(a) require. Furthermore, the district court specified in the clarifying order that the Petitioner "is dependent on this Court pursuant to the Court's authority under Texas Family Code 154.001(a)(1) and 154.002." Therefore, the district court made a qualifying declaration of dependency or placement of custody as required by section 101(a)(27)(J)(i) of the Act.

**ORDER:** The motion to reopen is granted and the appeal is sustained.