



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

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

In Re: 20947761

Date: NOV. 29, 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 Petitioner's Form I-360, Petition for Special Immigrant Juvenile (SIJ petition). The matter is now before us on appeal. 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 dismiss the appeal.

**I. LAW**

To establish eligibility for SIJ classification, a petitioner 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 of their 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(b).<sup>1</sup> 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 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 petitioner's best interest to return to their or their parents' country of nationality or last habitual residence. Section 101(a)(27)(J)(ii) of the Act; 8 C.F.R. § 204.11(c)(2).

SIJ classification may only be granted upon the consent of the Department of Homeland Security (DHS), through U.S. Citizenship and Immigration Services (USCIS), when a petitioner meets all other eligibility criteria and establishes that the request for SIJ classification is bona fide, which requires the petitioner to establish that a primary reason the required juvenile court determinations were sought was to obtain relief from parental abuse, neglect, abandonment, or a similar basis under State law. 8 C.F.R. § 204.11(b)(5). USCIS may withhold consent if evidence materially conflicts with the eligibility requirements such that the record reflects that the request for SIJ classification was not bona

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<sup>1</sup> 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).

fide. *Id.* The petitioner bears 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).

## II. ANALYSIS

### A. Relevant Factual and Procedural History

In [ ] 2020, when the Petitioner was 19 years old, the [ ] District Court (District Court) in Kansas issued orders titled *Final Order Appointing Guardian* and *Letters of Guardianship* appointing M-A-F-<sup>2</sup> as the Petitioner's guardian. The District Court stated that the Petitioner was born in Guatemala, fled the country, and arrived in the United States in March 2018. The District Court placed the Petitioner in the custody of M-A-F- and determined that "said placement is in the best interest of [the Petitioner]."

Based on the District Court's orders, the Petitioner filed her SIJ petition in March 2020. The Director denied the SIJ petition and noted that the Petitioner did not submit sufficient evidence, to include documentation provided with the initial filing and her response to the Request for Evidence (RFE), to establish eligibility for SIJ classification. The Director found that the record did not demonstrate the factual basis of the District Court orders and failed to establish that the orders included the requisite parental reunification and best interest determinations pursuant to Kansas state law. The Director further concluded that consent to the Petitioner's request for SIJ classification was not warranted because USCIS was unable to determine whether a primary purpose in seeking the juvenile court order was to obtain relief from parental abuse, neglect, abandonment, or a similar basis under state law.

On appeal, the Petitioner does not submit additional evidence. She asserts that the Director erred in denying her SIJ petition because the District Court cited the factors it considered in making a determination of guardianship and specified that the court has jurisdiction over the matter, reunification was not viable due to abandonment, and it was in the best interest of the Petitioner to assign her a local guardian.

### B. No Qualifying Parental Reunification Determination

To be eligible for SIJ classification, the Act requires a juvenile court determination that a petitioner's reunification with one or both parents "is not viable due to abuse, neglect, abandonment, or a similar basis found under State law." Section 101(a)(27)(J)(i) of the Act. 8 C.F.R. § 204.11(c)(1). Because the Act references this finding as made under state law, the record must contain evidence that the juvenile court made a determination based on relevant state law. *See id.*; *see also* 6 *USCIS Policy Manual* J.3(A)(1), <https://www.uscis.gov/policy-manual> (indicating, as guidance, that the SIJ order should use language establishing that the specific judicial determinations were made under state law.)

Here, the Petitioner has not overcome the deficiencies noted by the Director. Specifically, she has not provided evidence to establish that the District Court orders included the requisite parental reunification determination pursuant to Kansas state law. The Petitioner contends that the District Court specified that reunification was not viable due to abandonment. However, though the orders state

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<sup>2</sup> We use initials to protect identities.

that the Petitioner fled Guatemala and the Petitioner's placement in the custody of her guardian is in her best interest, they do not include a determination that the Petitioner's reunification with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis found under state law. Accordingly, the Petitioner has not demonstrated her eligibility.

Since the identified basis for denial is dispositive of this matter, we decline to reach and hereby reserve the remaining grounds for denial. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

**ORDER:** The appeal is dismissed.