



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

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

In Re: 20393151

Date: OCT. 12, 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 before us on appeal. 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, 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) 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. 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).

The Director denied the Petitioner's SIJ petition solely because it was signed by the Petitioner's guardian 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(d)(1), which does not require the Petitioner to sign the Form I-360, as any person acting on the Petitioner's behalf, such as a guardian as is the case here, may file the petition. 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

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).

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.