



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

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

In Re: 29243391

Date: DEC. 18, 2023

Appeal of National Benefits Center Decision

Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Special Immigrant Juvenile)

The Petitioner seeks classification as a special immigrant juvenile (SIJ). *See* Immigration and Nationality Act (the Act) sections 101(a)(27)(J) and 204(a)(1)(G), 8 U.S.C. §§ 1101(a)(27)(J) and 1154(a)(1)(G). SIJ classification protects foreign-born children in the United States who cannot reunify with one or both parents because of abuse, neglect, abandonment, or a similar basis under state law.

The Director of the National Benefits Center denied the petition, concluding that the record did not establish that the juvenile court had made a qualifying parental reunification finding or a best interest determination. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). 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.

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). U.S. Citizenship and Immigration Services (USCIS) has sole authority to implement the SIJ provisions of the Act and regulation. Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 471(a), 451(b), 462(c), 116 Stat. 2135 (2002).

USCIS has sole authority to implement the SIJ provisions of the Act and regulation. Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 471(a), 451(b), 462(c), 116 Stat. 2135 (2002). SIJ classification may only be granted upon the consent of the Secretary of the Department of Homeland Security (DHS), through USCIS, when the 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.

In [redacted] 2019, when the Petitioner was 14 years old, the [redacted], [redacted] (juvenile court) issued a “Final Order of Adoption” (adoption order). The juvenile court granted the adoption upon the consent of the biological parents, finding that the Petitioner was a minor child who had been residing with the adoptive parents for over one year and that the adoption was in the Petitioner’s best interests.

The Petitioner submitted the SIJ petition to USCIS, relying on the adoption order and the underlying supporting documentation that had been filed before the juvenile court. The Director denied the petition, concluding that the Petitioner had not established that the adoption order included the required juvenile court findings. In particular, the Director indicated that the adoption order did not include a finding that reunification with one or both parents was not viable due to abandonment abuse or neglect and did not make a finding regarding whether returning to Honduras was in the Petitioner’s best interest. *See* 8 C.F.R. § 204.11(c).

On appeal, the Petitioner submits a brief and an additional order from the juvenile court (2023 order). The 2023 order notes that it modifies the adoption order, and makes the following findings: the court holds continuing jurisdiction over the Petitioner, who is 18 and unmarried; it is in the Petitioner’s best interest to remain in the United States and not return to Honduras; the order is necessary to “protect the interests of [the Petitioner] who has been abandoned and neglected by his biological parents,” and the adoptive parents are able to provide proper care. Relying on the 2023 order, the Petitioner argues that the regulatory requirements noted by the Director have been satisfied by the preponderance of the evidence.

We agree with the Petitioner that the 2023 order provides the juvenile court findings that were previously missing from the record. By making findings regarding abandonment and neglect by the biological parents, which were submitted in the context of a final adoption, the juvenile court made a determination sufficient to demonstrate that reunification was not viable. As noted above, the juvenile court also made a best interest determination on the Petitioner’s behalf. The Petitioner has satisfied the requirement that a juvenile court find reunification with one or both parents not viable and that it is not in a Petitioner’s best interest to return to their country of nationality or last habitual residence as required by 8 C.F.R. § 204.11(c). Consequently, the Petitioner has demonstrated that he meets the eligibility requirements for SIJ classification.

**ORDER:** The appeal is sustained.