



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

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

In Re: 35431936

Date: DEC. 20, 2024

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) 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 petition, concluding that the record did not establish that the Petitioner was the subject of a juvenile court order containing the requisite juvenile court determinations for SIJ classification. The matter is now before us on appeal pursuant to 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.

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 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). Petitioner 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 petitioner's 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).

II. ANALYSIS

In October 2023, the City of [redacted] Law Department submitted a petition to the [redacted] Family Court (Family Court) with the recommendation that the Petitioner be committed to the City of [redacted] Department of Human Services [redacted] pursuant to an Order of Protective Custody. In

[redacted] 2023, when the Petitioner was 15 years old, the Family Court issued an *Order* (SIJ order) finding the Petitioner was dependent upon the court pursuant to “42 Pa.C.S. § 6302” and committing the Petitioner “to the custody of the Department of Human Services.” The Family Court determined the Petitioner’s reunification with her parents is “not viable due to abandonment pursuant to 23 Pa.C.S. § 5402,” specifying the Petitioner’s parents reside in Guatemala and are unwilling to allow the Petitioner to return to their home. The family court also found it is not in the Petitioner’s best interest to return to Guatemala because there is no “safe and appropriate home to return to in Guatemala.”

The Director sent the Petitioner a request for evidence (RFE) indicating the SIJ order was not sufficient to constitute a qualifying juvenile order. Though the Director acknowledged the SIJ order was signed, they found it was unclear whether the court order was signed by an individual authorized to sign such state court orders. The Director requested evidence to establish the SIJ order was signed by a judge. In response to the RFE, the Petitioner submitted a [redacted] 2024 *Amended Order* (amended order) from the Family Court, Judge C-R-M-.¹ In the amended order, the Family Court judge orders her [redacted] 2023 SIJ order to be amended to include her “full title” of Judge C-R-M- under the existing signature and signature line. The amended order further reiterates the SIJ findings previously made in the SIJ order. The Director denied the SIJ petition, concluding that the Petitioner had not demonstrated her eligibility for SIJ classification at the time of SIJ petition filing in February 2024.

On appeal, the Petitioner asserts that, as requested in the Director’s RFE, she submitted a document establishing the SIJ order had been signed by a judge. The Petitioner contends her amended order clearly indicates that the amended order and the SIJ order were both signed by Judge C-R-M-, who is also authorized to sign these orders. In addition, the Petitioner asserts her SIJ order contains all the requisite judicial determinations for SIJ classification. As stated above, the Petitioner’s SIJ order found the Petitioner dependent upon the Family Court, placed her in the custody of a state agency, and made findings both that the Petitioner cannot reunify with her parents due to abandonment and it would not be in her best interest to return to Guatemala. While the amended order was not issued *nunc pro tunc*, the preponderance of the evidence still shows that the SIJ order was properly signed by a judge upon its issuance in [redacted] 2023, prior to SIJ petition filing. In the aggregate, the Petitioner has met her burden of demonstrating she is eligible for SIJ classification under section 101(A)(27)(J) of the Act and the Director’s contrary determination is withdrawn.

ORDER: The appeal is sustained.

¹ Initials are used to protect the privacy of this individual.