



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

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

In Re: 36361368

Date: FEB. 13, 2025

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 court that issued his guardianship order exercised jurisdiction over him as a juvenile under state law. 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 dismiss the appeal.

## I. LAW

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), (c)(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; 8 C.F.R. § 204.11(b)(4), (c)(1). 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. Section 101(a)(27)(J)(ii) of the Act; 8 C.F.R. § 204.11(c)(2).

A juvenile court is defined as a court in the United States "that has jurisdiction under State law to make judicial determinations about the dependency and/or custody and care of juveniles." 8 C.F.R. § 204.11(a). The "juvenile court must have exercised its authority over the petitioner as a juvenile and made the requisite judicial determinations ... under applicable State law to establish eligibility." 8 C.F.R. § 204.11(c)(3)(i).

## II. ANALYSIS

The Petitioner is a citizen of Honduras who was born in [ ] 2004. With his Form I-360, the Petitioner submitted a *Decree and Order Appointing Guardian and Letters of Guardianship* issued by the District Court of [ ] Oklahoma in [ ] 2023 when the Petitioner was 19 years old. The court appointed the Petitioner's sister as his guardian and made the other judicial determinations required for SIJ classification. The Director denied the petition because the Petitioner did not establish that the court exercised jurisdiction over him as a juvenile under Oklahoma law.

On appeal, the Petitioner acknowledges that under the Oklahoma Guardianship and Conservatorship Act, a "minor" is defined as a person under the age of 18. Okla. Stat. 30 § 1-111(A)(19) (2024). The Petitioner asserts, however, that the subject of a guardianship can be a minor or an adult pursuant to Okla. Stat. 30 § 1-111(A)(27) and because the Petitioner was a juvenile under the Act for purposes of SIJ classification, the court exercised jurisdiction over him as a juvenile.

The Petitioner is mistaken. State law is controlling on the definition of a juvenile applied by the juvenile court. 8 C.F.R. § 204.11(a), (c)(3)(i). The court's order and the underlying petition show the court exercised jurisdiction over the Petitioner as an adult. The petition to the court stated the Petitioner's date of birth, identified him as "a partially incapacitated adult" and "an individual of legal age ... 18 years old." The *Decree and Order Appointing Guardian* states the court had jurisdiction pursuant to Okla. Stat. 30 § 1-114(B)(1-8), which states the court has jurisdiction over guardianship proceedings and the power to "appoint and remove guardians for minors and for incapacitated and partially incapacitated persons." Okla. Stat. 30 § 1-114(B)(1). The *Decree and Order Appointing Guardian* and the *Letters of Guardianship* identify the Petitioner as the "Ward," not a minor, and were issued when the Petitioner was 19 years old and no longer a minor under Okla. Stat. 30 § 1-111(A)(19).

The Petitioner was over the age of 18 and no longer a minor as defined by the Oklahoma Guardianship and Conservatorship Act when the court issued the *Decree and Order Appointing Guardian and Letters of Guardianship*. The preponderance of the evidence shows the court exercised jurisdiction over the Petitioner as an adult, not as a juvenile, as the Act and regulations require. The Petitioner is consequently ineligible for SIJ classification.

**ORDER:** The appeal is dismissed.