



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

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

In Re: 22427408

Date: APR. 19, 2022

Service Motion on Administrative Appeals Office 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 (Director) denied the Petitioner's Form I-360, Petition for Special Immigrant Juvenile (SIJ petition), and we sustained the Petitioner's subsequent appeal. Upon further review of the record, we hereby reopen the proceedings *sua sponte* pursuant to 8 C.F.R. § 103.5(a)(5), withdraw our prior decision, and remand the matter to the Director for further proceedings.

After we sustained the Petitioner's appeal in April 2020, he filed a Form I-485, Application to Register Permanent Residence or Adjust Status (adjustment of status application), in April 2021. In his adjustment of status application, the Petitioner indicated that he married E-M-V-M-¹ on [REDACTED] 2019, and that the marriage legally ended on [REDACTED] 2021. The record also contains a certificate of divorce. Accordingly, the evidence indicates that the Petitioner was married at the time we adjudicated his appeal in April 2020 and did not meet the requirement that an SIJ petitioner be unmarried at the time of filing and adjudication. Section 101(a)(27)(J)(i) of the Act; 8 C.F.R. § 204.11(b)(2) (2022). Therefore, we will reopen the case *sua sponte* and remand the matter to the Director for reconsideration of whether the Petitioner has met the requirements for SIJ classification and, if necessary, the issuance of a notice of intent to revoke.

ORDER: The decision of the Administrative Appeals Office is withdrawn. The matter is remanded to the Director of the National Benefits Center for the entry of a new decision consistent with the foregoing analysis.



¹ We use initials to protect identities.