



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

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

In Re: 17637423

Date: FEB. 3, 2022

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 San Antonio, Texas Field Office (Director) denied the Petitioner's Form I-360, Petition for Special Immigrant Juvenile (SIJ petition), and we dismissed the Petitioner's subsequent appeal and combined motion to reopen and reconsider. The matter is now before us on a second motion to reopen. Petitioners bear the burden of proof to demonstrate their eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). Upon review, we will grant the motion and sustain the appeal.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.

When the Petitioner was 18 years old, the [ ] Judicial District Court in [ ] Texas (District Court) issued an *Order in Suit Affecting the Parent-Child Relationship* (SAPCR order) ordering the Petitioner's father to pay child support and making findings relating to the Petitioner's eligibility for SIJ classification. The Petitioner filed her SIJ petition in 2014 based on the SAPCR order. The Director denied the petition based on a determination that the Petitioner did not submit a qualifying juvenile court order.

We dismissed the appeal, concluding that the record did not establish that the District Court exercised jurisdiction over the Petitioner as a juvenile for purposes of court-ordered juvenile dependency or custody to protect the Petitioner from parental abuse, neglect, or abandonment under Texas law, as required of qualifying juvenile court orders under section 101(a)(27)(J)(i) of the Act and 8 C.F.R. § 204.11(a) (explaining that the term "juvenile court" is defined as a court "in the United States having jurisdiction under State law to make judicial determinations about the custody and care of juveniles.") While the specific title and type of state court may vary, SIJ petitioners must establish that the court had jurisdiction to make judicial determinations about their dependency and/or custody and care as juveniles under state law. See *Matter of A-O-C-*, Adopted Decision 2019-03, at 4 (AAO Oct. 11, 2019); *Matter of E-A-L-O-*, Adopted Decision 2019-04, at 3-4 (AAO Oct. 11, 2019); 6 *USCIS Policy Manual* J.2(C), <https://www.uscis.gov/policy-manual>.

Additionally, we determined on appeal that the SAPCR order lacked a qualifying dependency or custody determination as required by section 101(a)(27)(J)(i) of the Act. We explained that although the SAPCR order stated generally that the Petitioner “is declared dependent upon this Court,” it did not cite or reference any state law on dependency, and instead cited to federal law governing SIJ classification. An SIJ must be declared dependent upon a juvenile court, or be legally committed to, or placed under the custody of a state agency or department, or an individual or entity appointed by a state or juvenile court. Section 101(a)(27)(J)(i) of the Act; 8 C.F.R. § 214.11(c)(3). A juvenile court’s dependency declaration must be made in accordance with state law governing such declarations. 8 C.F.R. § 214.11(c)(3). The juvenile court should use language establishing that the determination was made under state law, and the order should not simply mirror or cite to immigration law and regulations. 6 *USCIS Policy Manual*, *supra*, at J.3(A)(1).

On motion, the Petitioner submits, in relevant part, an *Order on Motion to Clarify in Suit Affecting Parent-Child Relationship* (clarifying order), in which the District Court notes that it “asserted jurisdiction over [the Petitioner] as a ‘child’ as defined by Tex. Fam. Code § 101.003(b).” Accordingly, a preponderance of the evidence establishes that the District Court issued the SAPCR order pursuant to its jurisdiction over the Petitioner’s dependency and care as a child under Texas law, and the order was issued by a juvenile court as section 101(a)(27)(J) of the Act and 8 C.F.R. § 204.11(a) require.

Furthermore, the District Court specifies in the clarifying order that the Petitioner “is dependent on this Court pursuant to the Court’s authority under Texas Family Code 154.001(a)(1) and 154.002.” Therefore, the District Court made a qualifying declaration of dependency or placement of custody as required by section 101(a)(27)(J)(i) of the Act.

**ORDER:** The motion to reopen is granted and the appeal is sustained.