



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

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

In Re: 22180940

Date: JUN. 6, 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 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.

In [redacted] 2013, when the Petitioner was 19 years old, the [redacted] Judicial District Court in [redacted] Texas (District Court) issued an *Order on Motion for Declaratory Judgment* (declaratory judgment) based on an underlying petition in suit affecting parent-child relationship (SAPCR), petition for name change, and motion for declaratory judgment. The Petitioner filed his SIJ petition based on the declaratory judgment. The Director denied the petition, determining that the declaratory judgment did not contain a qualifying declaration of dependency or placement of custody under state law and was not issued pursuant to the court's jurisdiction over the Petitioner as a juvenile. We dismissed the Petitioner's appeal.

In [redacted] 2016, the District Court issued an *Order on Motion to Clarify in Suit Affecting Parent-Child Relationship* (clarifying order), indicating that it took jurisdiction over the Petitioner "as a 'child' as defined by Tex. Fam. Code § 101.003(b)" and that the Petitioner "is dependent on this Court pursuant to the Court's authority under Texas Family Code 154.0901(a)(1) and 154.002." Further, the District Court specified that upon rendering its [redacted] 2013 declaratory judgment it had ordered that "child support be paid in order to provide relief to [the Petitioner] . . . from parental abandonment or neglect" We dismissed the Petitioner's combined motion to reopen and reconsider, concluding that the Petitioner still had not established that the District Court made a qualifying declaration of

dependency or placement of custody under state law and took jurisdiction over the Petitioner as a juvenile.

On motion, the Petitioner has established his eligibility. In its clarifying order, the District Court specified that it asserted jurisdiction over the Petitioner as a child under Tex. Fam. Code § 101.003(b). Accordingly, a preponderance of the evidence establishes that the District Court issued the 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 specified 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.