



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

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 26351914

Date: MAY 23, 2023

Appeal of National Benefits Center Decision

Form I-360, Petition for Special Immigrant Juvenile

The Petitioner seeks classification as a special immigrant juvenile (SIJ). See 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). SIJ classification protects foreign-born children in the United States who cannot reunify with one or both parents because of abuse, neglect, abandonment, or a similar basis under state law.

The Director of the National Benefits Center denied the Form I-360, Petition for Special Immigrant Juvenile (SIJ petition), because the Petitioner did not establish that they were under the age of 21 at the time the SIJ petition was filed. The matter is now before us on appeal. 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 withdraw the Director's decision and remand the matter for entry of a new decision consistent with the following analysis.

## 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).

## II. ANALYSIS

The Petitioner was born on  2001. The Petitioner filed their SIJ petition, which was received by U.S. Citizenship and Immigration Services (USCIS) on June 21, 2021. The Director denied the petition, concluding that the Petitioner was ineligible for SIJ classification because they were 21 years old when their SIJ petition was filed.

On appeal the Petitioner asserts that their SIJ petition was received on June 21, 2022, and not sooner, due to circumstances outside of his control. The Petitioner explained that on June 16, 2022, they mailed the SIJ petition for next day delivery. However, the carrier made a typographic error and the SIJ petition was not delivered. The Petitioner then attempted same day delivery on Friday, June 17, 2022 but was informed the messenger service was not an approved service provider for same day delivery. Because the following two days were over the weekend and Monday, June 20, 2022, was an observed federal holiday, the SIJ petition was not received by USCIS until Tuesday, June 21, 2022.

USCIS does not accept paper-based applications or petitions on Saturdays, Sundays, or federal holidays. See generally 1 USCIS Policy Manual B.6(D), <https://www.uscis.gov/policy-manual> (providing guidance on filing periods ending on weekends or federal holidays). During the pendency of the appeal, USCIS issued policy guidance extending the deadline for filing a paper benefit request until the end of the next business day that is not a Saturday, Sunday, or federal holiday. *Id.* USCIS will consider these benefit requests to have been timely filed. *Id.* The Petitioner's SIJ petition was received by USCIS on the next business day that is not Saturday, Sunday, or a federal holiday. For this reason, the filing is timely. As the Director's decision was limited to the Petitioner's age, we remand the matter for the Director to determine whether the Petitioner has met their burden of establishing the other eligibility criteria for SIJ classification.

ORDER: The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.