



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

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

In Re: 27815663

Date: SEP. 15, 2023

Appeal of National Benefits Center Decision

Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Special Immigrant Juvenile)

The Petitioner, a native and citizen of El Salvador, 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 the Petitioner was eligible for SIJ classification as he did not provide sufficient documentary evidence to support a finding that he was under 21 years old at the time of filing his petition. The matter is now before us on appeal. 8 C.F.R. § 103.3. The Petitioner has submitted a copy of the identification page of a passport in support of his appeal.

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 sustain the appeal.

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). A petitioner 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(c)(1). The record must also contain a judicial or administrative determination that it is not in the petitioner's best interest to return to their or their parents' country of nationality or last habitual residence. *Id.* at section 101(a)(27)(J)(ii); 8 C.F.R. § 204.11(c)(2). Finally, SIJ classification may only be granted upon the consent of the Secretary of the Department of Homeland Security, through U.S. Citizenship and Immigration Services (USCIS), when the petitioner meets all other eligibility criteria and establishes that the request for SIJ classification is bona fide, which requires the petitioner to establish that a primary reason the required juvenile court determinations were sought was to obtain relief from parental abuse, neglect, abandonment, or a similar basis under State law. Section 101(a)(27)(J)(i)-(iii) of the Act; 8 C.F.R. § 204.11(b)(5).

In [REDACTED] 2021, when the Petitioner was 20 years old, the Superior Court of California, County of [REDACTED] (Superior Court) issued an order entitled *Special Immigrant Juvenile Findings* (SIJ order), which found the Petitioner dependent on the juvenile court and under the court's jurisdiction, and committed the Petitioner to the custody of D-Q<sup>1</sup>. The SIJ order further contained findings that reunification with either of the Petitioner's parents was not viable because his father abandoned him as a baby, and the Petitioner's mother was neglectful "and brought an abusive partner to live with her." The Superior Court found the Petitioner's mother allowed her boyfriend to abuse the Petitioner, failed to intervene, and ultimately sent the Petitioner to the United States on his own at the age of 16. The SIJ order also contained a finding that it was not in the Petitioner's best interest to be returned to his or his parents' country of nationality or last habitual residence because he had previously been threatened by a gang in El Salvador. Subsequently, the Petitioner filed his SIJ petition in December 2021. The Director issued a notice of intent to deny (NOID) in October 2022, indicating the Petitioner needed to file a copy of a court order with the required SIJ determinations and documentary evidence of his age. The Petitioner responded to the NOID, submitting the SIJ order from the Superior Court. The Director denied the SIJ petition in January 2023 on the ground that the Petitioner did not establish his age at the time of filing the petition.

On appeal, the Petitioner has provided a copy of the identification page of a Salvadoran passport issued to him on September 30, 2022. The identification page lists the Petitioner's name and an [REDACTED] 2001 date of birth consistent with the information in the SIJ order. For these reasons, the Petitioner has overcome the Director's sole ground for denying his petition. The Petitioner was under the age of 21 years old at the time he filed his SIJ petition, and the record indicates he remains unmarried. The SIJ order from the district court contains a qualifying custody placement and parental reunification and best interest determinations, and it was sought in proceedings granting relief from parental abandonment. Accordingly, the Petitioner has established his eligibility for SIJ classification and that his request warrants USCIS' consent. The Director's decision is withdrawn, and the appeal is sustained.

**ORDER:** The appeal is sustained.

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<sup>1</sup> Initials are used to protect the privacy of this individual.