



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

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

In Re: 30927527

Date: NOV. 13, 2023

Motion on Administrative Appeals Office Decision

Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (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 Long Island, New York Field Office (Director) denied the petition for lack of a qualifying finding regarding parental reunification because “the record provides no evidence to demonstrate that the family court in this case had competent jurisdiction to determine custody or made a legal determination on the viability of reunification under state law.” The Director also found that the record did not establish the factual basis for the Family Court’s determinations to warrant USCIS’ consent to a grant of SIJ classification. On appeal, we held that the Applicant was a class member in *R.F.M. v. Nielsen* Amended Order, No. 18 Civ. 5068 (S.D.N.Y. May 31, 2019) and the court made a qualifying family reunification determination but that the Petitioner was ineligible because he did not establish he was under age 21 on the date the petition was filed. We therefore dismissed the appeal. Upon review, we reopen the matter *sua sponte* pursuant to 8 C.F.R. § 103.5(a)(5) and remand to the Director for reconsideration of the eligibility criteria for SIJ classification.

ORDER: The decision of the Administrative Appeals Office is withdrawn. The matter is remanded to the Director for the entry of a new decision.