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U.S. Department of Homeland Security
20 Mass. Ave, N.W. Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE:

[Redacted]

Office: BOSTON

Date: MAR 24 2008

IN RE: Petitioner:
Beneficiary:

[Redacted]

PETITION: Petition for Special Immigrant Juvenile Pursuant to Section 203(b)(4) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(J) of the Act, 8 U.S.C. § 1101(a)(27)(J)

ON BEHALF OF PETITIONER:

[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The District Director, Boston, denied the petition for special immigrant juvenile (SIJ) status. The matter came before the Administrative Appeals Office (AAO) on appeal, and the appeal was dismissed. The matter again came before the AAO on motion to reopen and motion to reconsider. On March 11, 2008, the AAO granted the motions and denied the petition. The AAO will now withdraw its decision of March 11, 2008, reopen the matter *sua sponte*, and grant the petition.

The AAO previously found that the applicant did not establish that she meets the requirements for SIJ status. Specifically, the AAO concluded that the applicant did not show that she obtained the specific consent of the Secretary of the Department of Homeland Security (the Secretary) to the jurisdiction of the Commonwealth of Massachusetts Trial Court, Probate and Family Court Department (juvenile court) to determine her custody status, as contemplated by section 101(a)(27)(J)(iii)(I) of the Act. The AAO further found that the applicant did not establish that the Secretary's specific consent was not required. Accordingly, the AAO determined that the applicant did not show that the orders of the juvenile court may serve as a basis for SIJ status, as required by section 101(a)(27)(J)(i) of the Act.

The AAO has reconsidered its decision of March 11, 2008 in accordance with 8 CFR 103.5(a)(5)(i). Upon further consideration and in light of the U.S. district court decision in *Perez-Olano v. Gonzales*, No. 05-03604 (C.D. Cal. Jan. 8, 2008), the AAO will withdraw its prior decision and grant the petition.

ORDER: The March 11, 2008 decision of the AAO is withdrawn. The petition is approved.