



October 11, 2019

PM-602-0174.1

## Policy Memorandum

SUBJECT: *Matter of E-A-L-O-*, Adopted Decision 2019-04 (AAO Oct. 11, 2019)

### **Purpose**

This policy memorandum (PM) designates the attached decision of the Administrative Appeals Office (AAO) in *Matter of E-A-L-O-* as an Adopted Decision. Accordingly, this adopted decision establishes policy guidance that applies to and shall be used to guide determinations by all U.S. Citizenship and Immigration Services (USCIS) employees. USCIS personnel are directed to follow the reasoning in this decision in similar cases.

*Matter of E-A-L-O-* clarifies that the determination of whether a state court order submitted to USCIS establishes eligibility for Special Immigrant Juvenile (SIJ) classification is a question of federal law within the sole jurisdiction of USCIS. *Matter of E-A-L-O-* reiterates that pursuant to the SIJ regulations at 8 C.F.R. § 204.11(c)(3), a juvenile court dependency declaration must be a judicial determination issued in accordance with state law governing such juvenile dependency.

*Matter of E-A-L-O-* also clarifies that a juvenile court dependency order alone will not warrant USCIS' consent to SIJ classification absent evidence the dependency declaration was issued in juvenile court proceedings granting relief from parental abuse, neglect, abandonment, or a similar basis under state law.

### **Use**

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

### **Contact Information**

Questions or suggestions regarding this PM should be addressed through appropriate directorate channels to the AAO.



U.S. Citizenship  
and Immigration  
Services

**ADOPTED DECISION**

**MATTER OF E-A-L-O-**

ADMINISTRATIVE APPEALS OFFICE  
U.S. CITIZENSHIP AND IMMIGRATION SERVICES  
DEPARTMENT OF HOMELAND SECURITY

October 11, 2019

- (1) Whether a state court order establishes eligibility for Special Immigrant Juvenile (SIJ) classification is a question of federal law within the sole jurisdiction of U.S. Citizenship and Immigration Services (USCIS).
- (2) For SIJ classification, a juvenile court dependency declaration must be a judicial determination issued in accordance with state law governing such juvenile dependency. 8 C.F.R. § 204.11(c)(3).
- (3) A juvenile court dependency declaration is not sufficient to establish eligibility and warrant USCIS' consent to SIJ classification absent evidence that the dependency declaration was issued in juvenile court proceedings which actually granted relief from parental abuse, neglect, abandonment, or a similar basis under state law.

FOR THE PETITIONER: Danielle Engel, Esquire, Boston, Massachusetts

The Petitioner seeks classification as a Special Immigrant Juvenile (SIJ) pursuant to 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), 1154(a)(1)(G). The Director of the National Benefits Center denied the SIJ petition, concluding that the Petitioner was ineligible because he was over the age of 18 and not a juvenile under Massachusetts law when a Massachusetts court issued the underlying SIJ findings order. On appeal, the Petitioner asserts that he is eligible for SIJ classification pursuant to a recently enacted Massachusetts child welfare law, which applies retroactively to the Massachusetts court order in his case.

A petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). The Administrative Appeals Office (AAO)

reviews the questions in this matter *de novo*. See *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal.

## I. LEGAL FRAMEWORK

To establish eligibility for SIJ classification, juveniles must show that they are unmarried, under 21 years of age, and have been subject to a state juvenile court order determining that they cannot reunify with one or both of their 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(c). Juveniles must have been declared dependent upon a juvenile court, or a juvenile court must have placed them in the custody of a state agency or department, or an individual or entity appointed by the state or juvenile court. Section 101(a)(27)(J)(i) of the Act. The record must also contain a judicial or administrative determination “that it would not be in the [juvenile’s] best interest to be returned to the [juvenile’s] or parent’s previous country of nationality or country of last habitual residence[.]” Section 101(a)(27)(J)(ii) of the Act.

U.S. Citizenship and Immigration Services (USCIS) has sole authority to implement the SIJ provisions of the Act and regulation. Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 471(a), 451(b), 462(c), 116 Stat. 2135. SIJ classification may only be granted upon the consent of the Secretary of Homeland Security, through USCIS, when a juvenile meets all other eligibility requirements and establishes that the juvenile court order was sought 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; *Matter of D-Y-S-C-*, Adopted Decision 2019-02 (AAO Oct. 11, 2019).

## II. RELEVANT FACTS AND PROCEDURAL HISTORY

The Petitioner, a native and citizen of El Salvador, entered the United States without inspection, admission, or parole in 2013, when he was 17 years old. In 2016, when the Petitioner was 20 years old, the Middlesex Probate and Family Court in Massachusetts issued an *Order of Decree* (decree), stating, in whole:

Upon review of the records in this case, the Court makes the following findings of fact:

1. That this Court has jurisdiction in equity over the petitioner and this matter;
2. That the petitioner will remain under the Court’s jurisdiction until he attains the age of 21;
3. Due to abandonment by the mother, reunification with the mother is not a viable option for the petitioner;
4. It is in the best interest of the petitioner to remain in the United States and not return to his home country of El Salvador.

The Petitioner submitted this court decree with his SIJ petition and provided copies of his underlying *Petition in Equity and Request for Declaratory Relief, Motion for Special Findings*, the affidavit he submitted to the probate and family court, and statements of no opposition from his parents. The Director reviewed the evidence and determined the record did not demonstrate that the Petitioner was subject to an order issued by a juvenile court because he was over 18 and not a juvenile under Massachusetts law when the probate and family court issued its decree. The Director also determined there was no evidence that the court issued its decree in relation to any type of juvenile court custody or dependency proceeding under Massachusetts law, and the decree did not contain a qualifying parental reunification determination issued under state law.

On appeal, the Petitioner asserts that the court's decree was properly issued pursuant to the probate and family court's equity jurisdiction under chapter 215, section 6 of the Massachusetts General Laws and the Massachusetts Supreme Court decision, *Recinos v. Escobar*, 46 N.E. 3d 60 (Mass. 2016), which recognized the court's equity jurisdiction as the authority for the court to issue SIJ-related special findings. The Petitioner also claims the order establishes the Petitioner's eligibility due to retroactive application of a recently enacted law under the child protection provisions of the Massachusetts General Laws, chapter 119, section 39M (section 39M), which defines "child" as an unmarried person under age 21.

We agree that chapter 119, section 39M of the Massachusetts General Laws applies retroactively to the probate and family court decree in this case. In enacting section 39M, the Massachusetts legislature determined that the new provision "shall apply" to certain requests for special findings pending in a juvenile court as of March 4, 2016, or commenced on or after that date; and, as applicable to the Petitioner's case here, "retroactively to any special findings issued that form the basis of a child's petition for special immigrant juvenile classification if that petition is subject to denial or revocation based on the child's dependency status or age when the special findings were issued." 2018 Mass. Legis. Serv. Ch. 154 (H.B. 4800), Sec. 105 (West). As section 39M applies retroactively to the probate and family court decree in this case, we will consider its application in our analysis of the Petitioner's eligibility and claims on appeal.

### III. ANALYSIS

#### A. Juvenile Court

To be eligible for SIJ classification, juveniles must have been subject to a dependency or custody order issued by a "juvenile court," which is defined as a court "in the United States having jurisdiction under State law to make judicial determinations about the custody and care of juveniles." 8 C.F.R. § 204.11(a).<sup>1</sup> While the specific title and type of state court may vary, SIJ petitioners must establish that the court had competent jurisdiction to make judicial determinations about their dependency and/or custody and care as juveniles under state law. *See* 8 C.F.R. § 204.11(a), (d)(2)(i); *Perez-Olano v. Holder*, No. CV 05-3604, Settlement Agreement ¶ 8 (C.D. Cal. Dec. 15, 2010). *See also, Matter of*

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<sup>1</sup> Consistent with the district court's decision in *R.F.M. v. Nielsen*, 365 F.Supp.3d 350 (S.D.N.Y. Mar. 15, 2019) and section 101(a)(27)(J)(i) of the Act, USCIS interprets the definition of juvenile court at 8 C.F.R. § 204.11(a) to mean a court located in the United States having jurisdiction under state law to make judicial determinations about the dependency and/or custody and care of juveniles.

A-O-C-, Adopted Decision 2019-03 (AAO Oct. 11, 2019). In the context of federal immigration benefits contingent on prior legal determinations regarding a child's welfare, the term "competent jurisdiction" refers to the court's authority to adjudicate the dependency and/or custody and care of the child. Compare 8 C.F.R. § 204.11(a), (d)(2)(i) (requiring judicial determinations issued by a court of competent jurisdiction over the juvenile) with 8 C.F.R. §§ 204.3(b), 204.301 (referencing courts of competent jurisdiction as those authorized under the foreign country's child welfare laws to be entrusted with the custodial care of an abandoned child in anticipation of adoption as an orphan or Hague Convention adoptee).

On appeal, the Petitioner asserts that "[n]othing in the statute or regulations requires that [a petitioner] . . . have been a 'juvenile' under state law; to the contrary, federal statute and regulations apply to an 'alien' under the age of 21 without reference to whether the petitioner is a 'state law juvenile.'" The Petitioner conflates federal filing requirements with the requisite validity of a juvenile court order under the applicable state law. An individual must apply for SIJ classification with USCIS while unmarried and under the age of 21, as federal immigration law mandates these filing requirements and related age-out protections. See 8 C.F.R. § 204.11(c)(1)-(2) (requiring an SIJ to be under 21 years of age and unmarried); William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, section 235(d)(6), Pub. L. 110-457, 122 Stat. 5044, 5080 (2008) (providing age-out protections for SIJs who are unmarried and under the age of 21 when their petitions are filed).

However, state law, not federal law, governs the definition of "juvenile," "child," "infant," "minor," "youth," or any other equivalent term for juvenile that is applicable to the dependency or custody proceedings before the juvenile court. *Matter of A-O-C-*, Adopted Decision 2019-03 (AAO Oct. 11, 2019). The Petitioner nonetheless correctly asserts that pursuant to the recently enacted section 39M of the Massachusetts child protection provisions, the Middlesex Probate and Family Court was acting as a juvenile court for SIJ purposes when it issued its decree. Section 39M specifically identifies the probate and family court as a court "competent to make decisions concerning the protection, well-being, care and custody of a child," and prescribes "that when issuing special findings under this section" the probate and family court "shall be acting under the jurisdiction specified." MASS. GEN. LAWS ch. 119, § 39M(a). The record also shows that the probate and family court took such competent jurisdiction over the Petitioner as a juvenile under Massachusetts law because the Petitioner was 20 years when the court entered its decree and section 39M defines the term "child" as "an unmarried person under the age of 21." *Id.* As a result, the decree was issued by a "juvenile court," as that term is defined at 8 C.F.R. § 204.11(a).<sup>2</sup> The Director's decision to the contrary is withdrawn, as it was based on an assessment of Massachusetts law prior to the enactment of section 39M.

## B. Dependency Declaration or Custodial Placement

A juvenile seeking SIJ classification must be declared dependent upon a juvenile court, or be legally committed to, or placed under the custody of a state agency or department, or of an individual or entity appointed by a state or juvenile court. Section 101(a)(27)(J)(i) of the Act. The Director correctly determined that the Petitioner's court decree lacked a dependency declaration or custodial placement.

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<sup>2</sup> See *supra* note 1.

On appeal, the Petitioner asserts that the probate and family court acted under its equity jurisdiction “to enter an order of dependency to provide assistance to a person under the age of twenty-one who has suffered harmful effects of destructive parental behavior.” As discussed above, we agree that the probate and family court had the authority to issue a dependency order for the Petitioner. However, there is no evidence that the probate and family court, in its capacity as a juvenile court, actually made a dependency declaration in this case. The underlying petition requested the court to issue “a declaration that [the Petitioner] remains dependent on the Court,” but the court did not issue such a declaration. The Petitioner cites to *Recinos v. Escobar* as establishing that youth are “dependent upon the Massachusetts Probate and Family Court” when seeking “special findings applicable to SIJ status.” 46 N.E. at 68. The Petitioner does not acknowledge that *Recinos* recognized that for SIJ classification, the probate and family court must actually make either a custodial placement for the youth or declare the youth dependent on the court. *Id.* Here, apart from the factual findings related to the Petitioner’s request for SIJ classification with USCIS, the court decree does not contain a custodial placement, dependency declaration or any rulings issued pursuant to the definition of “dependent on the court” at section 39M(a).

Contrary to the Petitioner’s assertion on appeal, retroactive application of section 39M does not yield a qualifying dependency declaration or custodial placement from the Petitioner’s court decree. Section 39M allows “[a] child alleging that return to the child’s country of origin is not in the child’s best interest” to “petition the court” to determine, among other findings, “whether the child who is the subject of the proceeding . . . is dependent on the court.” MASS. GEN. LAWS ch. 119, § 39M(b). Section 39M defines “dependent on the court” as relating to a child who is “subject to the jurisdiction of a court competent to make decisions concerning the protection, well-being, care and custody of a child, for findings, orders or referrals to support the health, safety and welfare of a child or to remedy the effects on a child of abuse, neglect, abandonment or similar circumstances.” *Id.* at § 39M(a). The law specifies that “when issuing special findings under this section, a court shall be acting” under such competent jurisdiction. *Id.*

The Petitioner has not established that he was dependent on the court pursuant to section 39M or any other provision of Massachusetts law. To qualify a petitioner for SIJ classification, a juvenile court dependency declaration must be a judicial determination issued in accordance with state law governing such juvenile dependency. *See* section 101(a)(27)(J)(i) of the Act; 8 C.F.R. § 204.11(c)(3) (providing that a dependency declaration must be made “in accordance with state law governing such declarations”). Here, apart from the factual findings that enabled the Petitioner to file for SIJ classification with USCIS, the court decree does not contain any rulings issued pursuant to the definition of “dependent on the court” at section 39M(a) such as those “concerning the protection, well-being, care and custody of” the Petitioner “for findings, orders or referrals to support [his] health, safety and welfare . . . or to remedy the effects . . . of abuse, neglect, abandonment or similar circumstances.” There is also no evidence that the court decree was issued in connection with any other type of juvenile dependency or child custody proceedings under Massachusetts law.

On appeal, the Petitioner asserts USCIS lacks authority to question the juvenile court’s ability “to enter an order of dependency.” The Petitioner also misquotes the USCIS Policy Manual to assert that any juvenile court order properly issued under state law is valid for purposes of establishing eligibility for SIJ classification. Proper issuance under state law is one requirement for a juvenile court order to

establish SIJ eligibility. See 8 C.F.R. § 204.11(a); *Perez-Olano v. Holder*, No. CV 05-3604, Settlement Agreement ¶ 8 (C.D. Cal. Dec. 15, 2010) (“All determinations in the juvenile court order must have been properly issued under state law to establish eligibility for SIJ classification.”). However, even when properly issued under state law, a juvenile court order will not establish SIJ eligibility where it lacks, as here, the custodial placement or dependency declaration required by the Act. Whether a state court order submitted to USCIS establishes eligibility for SIJ classification is a question of federal law within the sole jurisdiction of USCIS. See *Budhathoki v. Nielsen*, 898 F.3d at 511-12 (“Whatever responsibilities are exclusively for the state court, USCIS must evaluate if the actions of the state court make the applicant eligible for SIJ status.”).

The Petitioner has not demonstrated that the juvenile court declared him dependent upon the court or placed him in the custody of any individual, state agency or department, or any other entity appointed by the state or juvenile court, as section 101(a)(27)(J)(i) of the Act requires.

### C. Parental Reunification Determination

The Act also requires a juvenile court determination that a juvenile’s reunification with one or both parents “is not viable due to abuse, neglect, abandonment, or a similar basis found under State law.” Section 101(a)(27)(J)(i) of the Act. Because the Act references this finding as made under state law, the record must contain evidence of a judicial determination that the juvenile was subjected to such maltreatment by one or both parents under state law. *Matter of D-Y-S-C-*, Adopted Decision 2019-02 (AAO Oct. 11, 2019). The Petitioner bears the burden of proof to establish the state law the juvenile court applied in this determination. *Id.* Accordingly, state court orders that only cite or paraphrase immigration law and regulations will not suffice if the Petitioner does not otherwise establish the basis in state law for the juvenile court’s reunification determination.

On appeal, the Petitioner asserts that “in accordance with the INA, the court is ASSESSING the viability of reunification” by “looking at the possibility/viability given the facts” and further asserts that “the new law recently passed specifically gives the court that authority for anyone under 21.” (Emphasis in original.) While section 39M grants the probate and family court the jurisdiction to “issue findings of fact and rulings of law” that a child “has suffered from abuse, neglect, abandonment or similar circumstances,” section 101(a)(27)(J)(i) of the Act requires such findings to actually be made under state law. Here, the court decree states the juvenile court made the “finding[ ] of fact . . . [d]ue to abandonment by the mother, reunification with the mother is not a viable option for the petitioner,” but does not cite or otherwise reference any Massachusetts law on abandonment.

The underlying motion requested the court “to make equity determinations within the meaning of Section 101(a)(27)(J) of the Immigration and Nationality Act, 8 U.S.C. § 1101 (A)(27)(J)(i) and 8 C.F.R. § 204.11 (a),(c) [*sic*],” including finding “that reunification with [the Petitioner’s] mother is not viable due to abandonment and/or neglect,” but also did not cite any Massachusetts law on “abandonment and/or neglect.” The underlying petition likewise only cited to the court’s equity jurisdiction, and the federal “statutory and regulatory framework” of “INA § 101(a)(27)(J); 8 U.S.C. 1101(a)(27)(J); 8 C.F.R. § 204.11(a).” No other evidence in the record references any Massachusetts law on abandonment under which the court determined that the Petitioner’s mother abandoned him and he consequently could not reunify with her. The Petitioner therefore has not shown the juvenile

court determined that parental reunification is not viable due to abuse, neglect, abandonment, or a similar basis under state law, as section 101(a)(27)(J)(i) of the Act requires.

#### D. USCIS' Consent

Although not discussed by the Director, we further conclude that USCIS' consent to the Petitioner's SIJ classification is not warranted. Classification as an SIJ may only be granted upon the consent of USCIS. Section 101(a)(27)(J)(iii) of the Act. Here, USCIS' consent is not warranted because the court decree does not contain a declaration of dependency or custodial placement and lacks a qualifying parental reunification determination.

USCIS' consent is also not warranted because the Petitioner has not established that his primary purpose in seeking the court decree was to obtain relief from parental abuse, neglect, abandonment, or a similar basis under Massachusetts law, rather than to obtain an immigration benefit. To warrant USCIS' consent, juveniles must establish that the requisite juvenile court or administrative determinations were sought to gain relief from parental abuse, neglect, abandonment, or a similar basis under state law, and not primarily to obtain an immigration benefit. *See Matter of D-Y-S-C-*, Adopted Decision 2019-02 (AAO Oct. 11, 2019) (citing section 101(a)(27)(J)(i)-(iii) of the Act and H.R. Rep. No. 105-405, 130 (1997) (reiterating the requirement "that neither the dependency order nor the administrative or judicial determination of the alien's best interest was sought primarily for the purpose of obtaining the status of an alien lawfully admitted for permanent residence, rather than for the purpose of obtaining relief from abuse or neglect")). Consequently, the nature and purpose of the juvenile court proceedings is central to whether USCIS' consent is warranted and the agency must consider whether the juvenile court's determinations were sought in proceedings granting relief from parental maltreatment, beyond an order with factual findings to enable an individual to file a petition for SIJ classification. *Id.*

On appeal, the Petitioner asserts that the probate and family court is guided by the declaration of policy and purpose of section one of the child protection chapter of the Massachusetts General Laws to protect children from the harmful effects of parental behavior. We recognize that these child protection provisions authorize the probate and family court to protect children from "the harmful effects resulting from the absence, inability, inadequacy or destructive behavior of parents" and in doing so to issue special findings under section 39M to determine whether a child is dependent on the court "for findings, orders or referrals to support the health, safety and welfare of a child or to remedy the effects on a child of abuse, neglect, abandonment or similar circumstances." MASS. GEN. LAWS ch. 119, §§ 1, 39M(a). Section 39M provides that in addition to seeking special findings, a child may request other "orders necessary to protect the child against further abuse or other harm by filing a complaint for an abuse prevention order . . . a complaint for support . . . or seeking any other available relief." *Id.* at § 39M(c). Under section 39M, Massachusetts courts may also refer the child "for psychiatric, psychological, educational, occupational, medical, dental or social services or for protection against trafficking or domestic violence." *Id.* at § 39M(d).

However, a juvenile court dependency declaration alone is not sufficient to warrant USCIS' consent to SIJ classification absent evidence that the dependency declaration was issued in juvenile court proceedings which actually granted relief from parental abuse, neglect, abandonment, or a similar

basis under state law. Consequently, the retroactive application of section 39M to a juvenile court order, or a dependency order issued directly under section 39M will not, by itself, establish that a juvenile was seeking relief from parental abuse, neglect, abandonment, or a similar basis under Massachusetts law, beyond an order enabling the juvenile to file for SIJ classification. In this case, the juvenile court stated that it had “jurisdiction in equity over the petitioner,” but it did not declare the Petitioner dependent upon the juvenile court and issue orders or referrals to support his health, safety, and welfare as relief from parental abuse, neglect, abandonment, or a similar basis under Massachusetts law. The Petitioner has not shown that that the court decree provided him with any protective or remedial relief pursuant to the Massachusetts child protection provisions or any other Massachusetts law, apart from findings enabling him to file an SIJ petition with USCIS.

There is also no evidence that the court took jurisdiction over the Petitioner in any other prior or related proceeding providing him any type of relief or remedy from parental abuse, neglect, abandonment, or a similar basis under Massachusetts law. The court decree consists of four brief “findings of fact.” The underlying motion sought “special findings of fact and rulings of law,” but cited only the court’s “jurisdiction pursuant to M.G.L. c. 215 § 6 to make equity determinations within the meaning of Section 101(a)(27)(J) of the Immigration and Nationality Act, 8 U.S.C. § 1101(A)(27)(J)(i) and 8 C.F.R. 204.11 (a),(c) [sic].” The underlying petition similarly sought only declarations under the federal immigration provisions of section 101(a)(27)(J) of the Act and 8 C.F.R. § 204.11. The underlying petition and motion cited no provisions of Massachusetts law governing juvenile dependency, child custody, child welfare, or any other relief or remedy from parental abuse, neglect, abandonment, or a similar basis under Massachusetts law.

USCIS does not question the hardship the Petitioner suffered as a result of his mother’s actions, as described in his affidavit and the underlying petition submitted to the juvenile court and reflected in the juvenile court’s factual findings. However, there is no indication in any of the documents submitted to the court that the Petitioner was seeking any form of relief from the court for this maltreatment apart from factual findings related to SIJ classification. The underlying petition contains a section entitled “claims for relief,” which states that “the Petitioner seeks declaratory relief from the Court that will allow him to apply for consideration for classification as Special Immigrant Juvenile . . . .” The Petitioner did not request anything from the juvenile court, other than findings related to SIJ classification, including a request for the court to “retain jurisdiction over [him] until the SIJ process is complete.”

Other statements contained in the underlying petition further show that the Petitioner’s primary motive in seeking the juvenile court order was to obtain an immigration benefit. In the petition’s “preliminary statement,” the Petitioner explained that he “would potentially be entitled to relief from deportation from the United States if the Probate and Family Court were to review his situation and find that he was abandoned by one or both parents . . .” and “[i]f the Probate and Family Court were to make these findings, [he] could then file a petition with the U.S. Citizenship and Immigration Services seeking classification as a ‘Special Immigrant Juvenile.’” The Petitioner has not shown that he sought the juvenile court decree for any reason other than to enable him to file his petition for SIJ classification.

USCIS recognizes that there may be some immigration-related motive for seeking a juvenile court order. However, to warrant USCIS’ consent, the requisite SIJ determinations must be made under

state law in connection with proceedings granting some form of relief or remedy from parental abuse, neglect, abandonment, or a similar basis that the court has authority to provide under state law, rather than, as in this case, requesting only factual findings relating to an immigration benefit under federal law. *See, e.g., Matter of D-Y-S-C-*, Adopted Decision 2019-02 (AAO Oct. 11, 2019) (concluding that USCIS' consent was warranted where juvenile court issued SIJ-related findings in child protection proceedings removing the juvenile from her abusive father's home and placing her in the custody of the state department of family and protective services).

In sum, the preponderance of the evidence does not show that the Petitioner sought the juvenile court decree to obtain relief from parental abuse, neglect, abandonment, or a similar basis under state law, rather than primarily to obtain an immigration benefit. Consequently, USCIS' consent to a grant of SIJ classification is not warranted.

#### IV. CONCLUSION

The Petitioner has not established that he is eligible for and merits USCIS' consent to a grant of SIJ classification. The appeal will be dismissed.

**ORDER:** The appeal is dismissed.

Cite as *Matter of E-A-L-O-*, Adopted Decision 2019-04 (AAO Oct. 11, 2019)