



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

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

In Re: 19319231

Date: FEB. 15, 2022

Appeal of National Benefits Center Decision

Form I-360, Petition for 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 National Benefits Center (Director) denied the Petitioner's Form I-360, Petition for Special Immigrant Juvenile (SIJ petition), and the matter is now before us on appeal. The Administrative Appeals Office (AAO) reviews 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, the appeal will be dismissed.

To establish eligibility for SIJ classification, petitioners must establish, among other requirements, that they are under 21 years of age. Section 101(a)(27)(J)(i) of the Act; 8 C.F.R. § 204.11(c). 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 (2002). Petitioners bear the burden of proof to demonstrate their eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

The Petitioner first submitted her SIJ petition on [] 2020, three days before her 21st birthday on [] 2020. However, USCIS rejected the filing because the Form I-360 was not properly completed, as it was missing required information about her name and address. The Petitioner refiled her SIJ petition on [] 2020, after she had turned 21 years of age. On appeal, she argues that USCIS rejected her initial filing in error, as the missing information on her Form I-360 could have been found in other sections of the form or on the accompanying Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. She further asserts that USCIS could have issued a request for evidence for the missing information rather than rejecting her SIJ petition, thus preserving her receipt date, and that denying her petition for "paperwork errors" is contrary to the purpose of the SIJ classification.

Pursuant to 8 C.F.R. § 103.2(a)(1), an application or petition "must be . . . executed in accordance with the form instructions . . ." An application or petition will be rejected if it not "[f]iled in compliance with the regulations governing the filing of the specific application, petition, form, or request," and a rejected application or petition will not retain a filing date. 8 C.F.R. § 103.2(a)(7). The instructions

to Form I-360 indicate that the filer must “[a]nswer all questions fully and accurately,” and the form’s instructions are “incorporated into the regulations requiring its submission.” 8 C.F.R. § 103.2(a)(1).

In this case, the Petitioner initially submitted an SIJ petition that was not properly completed. By the time she properly filed her SIJ petition with USCIS, she had reached the age of 21 years. Although we acknowledge the Petitioner’s arguments, section 101(a)(27)(J)(i) of the Act and 8 C.F.R. § 204.11(c) require that an SIJ petitioner be under the age of 21 at the time of filing, and we lack the authority to waive this requirement. *See United States v. Nixon*, 418 U.S. 683, 695-96 (1974) (holding that government officials are bound to adhere to the governing statute and regulations). As the Petitioner was not under 21 years of age on the date she filed her petition, she is not eligible for SIJ classification under section 101(a)(27)(J) of the Act.

ORDER: The appeal is dismissed.