

Non-Precedent Decision of the Administrative Appeals Office

In Re: 17252839 DATE: MAY 23, 2022

Appeal of National Benefits Center Decision

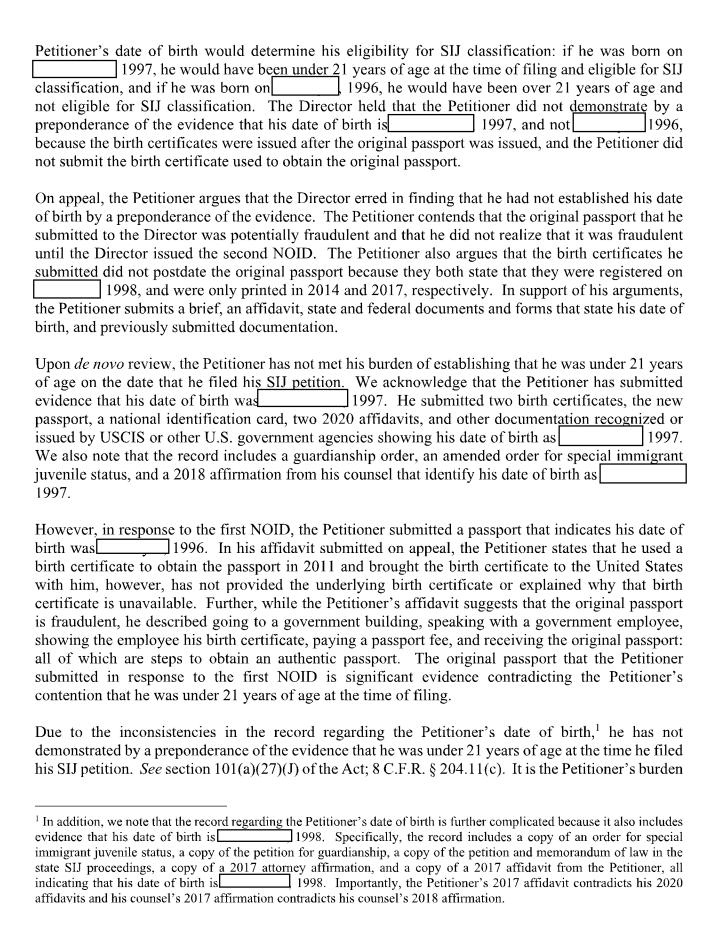
Form I-360, Petition for Special Immigrant Juvenile

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 (SIJ petition), and the matter is now before us on appeal. In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). Upon *de novo* review, we will dismiss the appeal.

To establish eligibility for SIJ classification, a petitioner must show that he or she is unmarried, under 21 years old, and has been subject to a state juvenile court order determining that the petitioner cannot reunify with one or both parents due to abuse, neglect, abandonment, or a similar basis under state law. Section 101(a)(27)(J) of the Act; 8 C.F.R. § 204.11(c). The petitioner must have been declared dependent upon the juvenile court, or the juvenile court must have placed the petitioner 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. The record must also contain a judicial or administrative determination that it is not in the petitioner's best interest to return to his or her parents' country of nationality or last habitual residence. *Id.* at section 101(a)(27)(J)(ii).

The Petitioner filed the SIJ petition in June 2017. Prior to issuing a decision, the Director issued two
notices of intent to deny (NOID). The first NOID stated that the Petitioner failed to submit sufficient
evidence of his date of birth because he did not submit the second page of his birth certificate. The
Director requested the second page of the birth certificate or other evidence of his age. In response to
the first NOID, the Petitioner submitted the second page of his birth certificate issued in 2014 stating
his date of birth as 1997, as well as a passport stating his date of birth as 1996
(original passport). The second NOID noted that the original passport and the birth certificate
contained differing dates of birth for the Petitioner, and requested additional evidence to establish the
Petitioner's date of birth. In response, the Petitioner submitted additional documentation, including a
copy of a birth certificate issued in 2017, a copy of his current passport (new passport), a copy of his
national identification card from his home country, and a copy of a 2020 affidavit submitted in his SIJ
proceedings, all of which indicated that his date of birth was1997.

The Director denied the SIJ petition based on the discrepancies within the record regarding the Petitioner's date of birth. She underscored that since the SIJ petition was filed in June 2017, the



to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, the Petitioner has not met that burden, and he is therefore ineligible for SIJ classification.

ORDER: The appeal is dismissed.