



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

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

In Re: 18008418

Date: SEPT. 26, 2022

Motion on Administrative Appeals Office 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). The Petitioner filed an appeal, which was summarily dismissed by our office. The matter is now before us on a motion to reopen. On motion, the Applicant submits a brief. Upon review, we will dismiss the motion.

I. LAW

A motion to reopen must state new facts to be proved and be supported by affidavits or other evidence. 8 C.F.R. § 103.5(a)(2). In the present case, the Petitioner did not submit new facts supported by affidavits or other evidence that is material to our prior decision.

II. ANALYSIS

We summarily dismissed the Petitioner's appeal for failure to articulate an error of law or fact pursuant to 8 C.F.R. 103.3(a)(1)(v) (stating that USCIS "shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal"). The Petitioner checked the box on the Form I-290B, Notice of Appeal or Motion, associated with his appeal indicating: "I am filing an appeal to the AAO. I will submit my brief and/or additional evidence to the AAO within 30 calendar days of filing the appeal." However, the Petitioner did not send a brief or additional evidence to the AAO.

Relevant regulations allow for the submission of a brief or other evidence concurrently with the filing of an appeal. *See* 8 C.F.R. § 103.3(a)(2)(vi) (stating that "[t]he affected party may submit a brief with" the filing of an appeal). However, the regulations further specify that, if additional time for the filing of a brief on appeal is needed, "the affected party shall submit the brief directly to" the Administrative Appeals Office (AAO). 8 C.F.R. § 103.3(a)(2)(viii). The relevant form instructions reiterate this requirement. *See* USCIS Form I-290B, Instructions for Notice of Appeal or Motion, at 6 ("Any brief and/or additional evidence submitted after the initial filing of Form I-290B must be submitted directly to the AAO."); *see also* 8 C.F.R. § 103.2(a)(1) (stating that every form, benefit request, or other

document must be submitted “in accordance with the form instructions” and incorporating form instructions “into the regulations requiring [their] submission”).

In the present case, as previously stated, the Petitioner indicated he would submit a brief and/or additional evidence to the AAO within 30 calendar days of filing the appeal. However, our review of the record indicates that the brief was submitted to the Chicago Lockbox, as opposed to our office, contrary to the requirements of 8 C.F.R. § 103.3(a)(2)(viii) and the relevant form instructions. Furthermore, counsel for the Petitioner acknowledges that the brief was filed with the Chicago Lockbox. On motion, the Petitioner does not submit new evidence relevant to our summary dismissal. Rather, counsel submits mail receipts, which confirm that the brief was incorrectly filed with the Chicago Lockbox. Accordingly, the motion to reopen is dismissed as no new evidence relevant to our summary dismissal was submitted.

ORDER: The motion to reopen is dismissed.