



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

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

In Re: 27016897

Date: JUN. 15, 2023

**Motion on Administrative Appeals Office Decision**

Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Special Immigrant Juvenile)

The Petitioner, a native and citizen of Honduras, 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 denied the petition, concluding that the Petitioner did not establish that a juvenile court had issued an order containing the requisite dependency finding nor that she had established USCIS' consent to her SIJ classification was warranted. We dismissed a subsequent appeal, agreeing with the Director's conclusion that the Petitioner had not established USCIS' consent was warranted where the court order did not provide any protective or remedial relief from her parent's abuse and neglect; however, we determined the juvenile court had made a qualifying dependency finding. We further dismissed a prior motion to reconsider. The matter is now before us on a motion to reopen. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Upon review, we will dismiss the motion.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). Our review on motion is limited to reviewing our latest decision. 8 C.F.R. § 103.5(a)(1)(ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit. *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

On motion, the Petitioner submits new evidence, specifically: an unpublished memorandum opinion in a U.S. Circuit Court case; copies of various sections of Texas Civil Practice and Remedy Code, Texas Family Code, and Texas Government Code; and the preamble to the U.S. Constitution.<sup>1</sup> The Petitioner asserts that these new facts establish eligibility, as they support a finding that she previously established her eligibility for SIJ classification such that USCIS' consent is warranted.

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<sup>1</sup> We note U.S. District Court decisions are not binding authority. *Camreta v. Greene*, 563 U.S. 692, 709 n.7 (2011) ("A decision of a federal district court judge is not binding precedent in either a different judicial district, the same judicial district, or even upon the same judge in a different case.") (quoting 18 J. Moore, et al., *MOORE'S FEDERAL PRACTICE* § 134.02(l)(d), p. 134-26 (3d ed. 2011)); *see also Matter of K-S-*, 20 I&N Dec. 715 (BIA 1993) (observing that district court decisions are not binding on the Board of Immigration Appeals).

The scope of a motion is limited to “the prior decision” and “the latest decision in the proceeding.” 8 C.F.R. § 103.5(a)(1)(i), (ii). Therefore, we will only consider new evidence to the extent that it pertains to our latest decision dismissing the motion to reconsider. Here, the new evidence the Petitioner submits is not specific to her case, and she has not provided new facts to establish that we erred in dismissing the prior motion. Because the Petitioner has not established new facts that would warrant reopening of the proceeding, we have no basis to reopen our prior decision. We will not re-adjudicate the petition anew and, therefore, the underlying petition remains denied. Although the Petitioner has submitted additional evidence in support of the motion to reopen, the Petitioner has not established eligibility. Therefore, the motion will be dismissed. 8 C.F.R. § 103.5(a)(4).

**ORDER:** The motion to reopen is dismissed.