

Non-Precedent Decision of the Administrative Appeals Office

In Re: 20331295 Date: OCT. 12, 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 denied the Form I-360, Petition for Special Immigrant Juvenile (SIJ petition). On appeal, the Petitioner submits a brief and additional documents asserting his eligibility for SIJ classification. We review 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, we will dismiss the appeal.

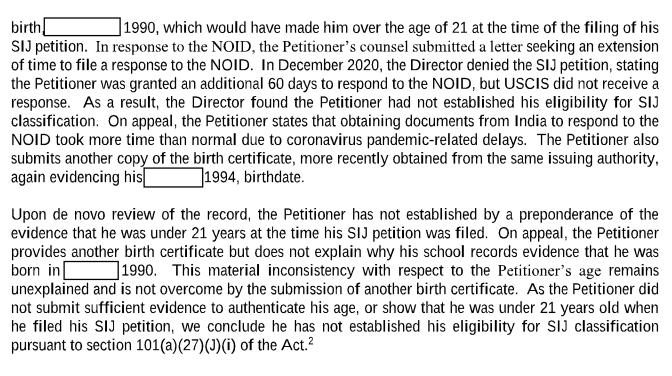
I. LAW

To establish eligibility for SIJ classification, petitioners must show that they are unmarried, under 21 years old, and have been subject to a state juvenile court order determining that they cannot reunify with one or both 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(b). SIJ classification may only be granted upon the consent of the Secretary of DHS, through U.S. Citizenship and Immigration Services (USCIS), when the petitioner meets all other eligibility criteria and establishes that the request for SIJ classification is bona fide. Section 101(a)(27)(J)(i)–(iii) of the Act; 8 C.F.R. § 204.11(b)(5). 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).

II. ANALYSIS

The Petitioner, a national of India, claims to have entered the United States in or about 2013. In
2015, the New York State Family Court in issued orders relating to the Petitioner's
eligibility for SIJ classification. In April 2015, based on these orders, the Petitioner filed for SIJ status.
Along with his SIJ petition, the Petitioner submitted a copy of his birth certificate, indicating
1994, as his date of birth. In April 2020, the Director issued a notice of intent to deny (NOID) the SIJ
petition, explaining, in relevant part, that the Petitioner's school records contained a different date of

¹ The Department of Homeland Security (DHS) issued a final rule, effective April 7, 2022, amending its regulations governing the requirements and procedures for petitioners who seek SIJ classification. See Special Immigrant Juvenile Petitions, 87 Fed. Reg. 13066 (Mar. 8, 2022) (revising 8 C.F.R. §§ 204, 205, 245).



ORDER: The ap

The appeal is dismissed.

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² The Director raised a number of ineligibility grounds in the NOID that were not addressed by the Petitioner. On appeal, the only other ground raised by the Petitioner was that he warrants USCIS' consent on appeal. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding whether his case warrants USCIS consent. See INS v. Bagamasbad, 429 U.S. 24, 25 (1976) (explaining "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); see also Matter of L-A-C-, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).