



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

**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).<sup>1</sup> 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 [redacted] 2015, the New York State Family Court in [redacted] 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 [redacted] 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

---

<sup>1</sup> 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).

birth [ ] 1990, which would have made him over the age of 21 at the time of the filing of his SIJ petition. In response to the NOID, the Petitioner's counsel submitted a letter seeking an extension of time to file a response to the NOID. In December 2020, the Director denied the SIJ petition, stating the Petitioner was granted an additional 60 days to respond to the NOID, but USCIS did not receive a response. As a result, the Director found the Petitioner had not established his eligibility for SIJ classification. On appeal, the Petitioner states that obtaining documents from India to respond to the NOID took more time than normal due to coronavirus pandemic-related delays. The Petitioner also submits another copy of the birth certificate, more recently obtained from the same issuing authority, again evidencing his [ ] 1994, birthdate.

Upon de novo review of the record, the Petitioner has not established by a preponderance of the evidence that he was under 21 years at the time his SIJ petition was filed. On appeal, the Petitioner provides another birth certificate but does not explain why his school records evidence that he was born in [ ] 1990. This material inconsistency with respect to the Petitioner's age remains unexplained and is not overcome by the submission of another birth certificate. As the Petitioner did not submit sufficient evidence to authenticate his age, or show that he was under 21 years old when he filed his SIJ petition, we conclude he has not established his eligibility for SIJ classification pursuant to section 101(a)(27)(J)(i) of the Act.<sup>2</sup>

ORDER: The appeal is dismissed.

---

<sup>2</sup> 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).