



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

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

In Re: 17763786

Date: SEP. 15, 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 petition and we dismissed a subsequent appeal. The matter before us is a motion to reconsider. On motion, the Petitioner asserts his eligibility for SIJ classification. We will dismiss the motion.

A motion to reconsider must establish that our decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.

As discussed in our decision dismissing the Petitioner's appeal, in [ ] 2017, when the Petitioner was 20 years old, the [ ] Probate and Family Court in Massachusetts (family court) issued a DECREE OF SPECIAL FINDINGS OF FACT AND RULINGS OF LAW (SIJ order). The Petitioner filed his SIJ petition in May 2017 based on the family court orders. The Director determined that USCIS' consent was not warranted for SIJ classification, as the court did not provide some form of relief to protect the Petitioner from parental abuse, abandonment, neglect, or a similar basis under state law.

On appeal, the Petitioner submitted a subsequently issued AMENDED SPECIAL FINDINGS OF FACT AND RULINGS OF LAW (amended order) issued by the family court *nunc pro tunc* to the date of the SIJ order. Among other findings, the family court declared the Petitioner to be dependent on it "as defined under G.L. c. 119 § 39M." We dismissed the Petitioner's subsequent appeal of the Director's denial, finding that the preponderance of the evidence showed that the Petitioner primarily sought the SIJ order to obtain an immigration benefit rather than to obtain relief from parental abuse, neglect, abandonment, or a similar basis under state law. Specifically, we found that the Petitioner had not established the Family Court provided any protective or remedial relief for maltreatment pursuant to Massachusetts law, nor did he request any other protective or remedial relief such as a custody or guardianship finding. Thus, we determined that USCIS's consent to a grant of SIJ classification was not warranted.

As noted in our previous decision, SIJ petitioners must establish that the request for SIJ classification is bona fide, which requires the petitioner to establish that a primary reason the required juvenile court determinations were sought was to obtain relief from parental abuse, neglect, abandonment, or a similar basis under State law. Section 101(a)(27)(J)(i)–(iii) of the Act; 8 C.F.R. § 204.11(b)(5).

On motion, the Petitioner submits a brief and argues that our previous decision erred in finding that his primary purpose in seeking the SIJ order was to obtain an immigration benefit. He contends that our decision failed to mention or consider the forms of relief granted to him in the amended order, specifically the ability to seek services and to be eligible for health care, which were separate and apart from immigration benefits. Additionally, the Petitioner states that a paragraph in our decision relates to an entirely different case as it discusses a supervision plan, which is not relevant to his case, and refers to a female Petitioner, while he is male.

As an initial matter, we acknowledge the erroneous paragraph in our prior decision, as the Petitioner notes on motion, and accordingly withdraw its findings. Nevertheless, the Petitioner has not established that our dismissal of his appeal was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. Contrary to the Petitioner's assertion on appeal, our previous decision did recognize that the amended order provided the Petitioner with eligibility for services in Massachusetts. However, on motion, the Petitioner has not overcome our previous determination to show that his primary reason for *seeking* the juvenile court determinations was relief from parental maltreatment, as required by 8 C.F.R. § 204.11(b)(5). As we discussed previously, the Petitioner has not shown that the family court *ordered* or *referred* the Petitioner for services for any protective or remedial relief for maltreatment pursuant to Massachusetts law. Moreover, we note that the Petitioner also did not request such services in his motion to the family court requesting the SIJ order, or any other protective or remedial relief for maltreatment under Massachusetts law. We therefore find no error in our previous determination that preponderance of the evidence shows that the Petitioner primarily sought the SIJ order to obtain an immigration benefit rather than to obtain relief from parental maltreatment, and that consequently, USCIS's consent to a grant of SIJ classification is not warranted.

As stated above, the Petitioner must demonstrate that our decision was incorrect based on the evidence in the record at the time of the decision. The Petitioner's motion to reconsider has not shown that our prior decision was based on an incorrect application of law or policy. Therefore, the Petitioner's motion to reconsider will be dismissed.

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