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U.S. Department of Justice
Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS
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Washington, D.C. 20536



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prevent clearly unwarranted
invasion of personal privacy

JAN 18 2002

FILE:



Office: Helena

Date:

IN RE: Petitioner:
Beneficiary:



Petition: Petition for Special Immigrant Juvenile Pursuant to Section 203(b)(4) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(4), as described at Section 101(a)(27)(J) of the Act, 8 U.S.C. 1101(a)(27)(J).

IN BEHALF OF PETITIONER:



PUBLIC COPY

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the District Director, Helena, Montana, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be rejected, and the case will be remanded for further action.

The petitioner is a 16-year-old native and citizen of Mexico who seeks classification as a special immigrant juvenile pursuant to section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1153(b)(4).

The district director denied the petition after determining that the Attorney General did not expressly consent to the dependency order serving as a precondition to the grant of special immigrant juvenile status.

On appeal, counsel states that he is filing a separate written brief or statement within 30-60 days. However, no additional evidence has been entered into the record.

The record of proceeding contains only the petitioner's birth certificate and Form G-325 biological information. Because no other documentation is included with the Form I-360 petition, a decision cannot be rendered regarding the petitioner's eligibility for the benefit sought.

The appeal will, therefore, be rejected and the case remanded so that the district director may include into the record of proceeding the documents relevant to the I-360 petition. The director shall enter a new decision which, if adverse to the applicant, is to be certified to the Associate Commissioner, Examinations, for review.

ORDER: The appeal is rejected. The case is remanded for appropriate action consistent with the above discussion and entry of a new decision.