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U.S. Citizenship
and Immigration
Services

CC

[Redacted]

FILE:

[Redacted]

Office: MIAMI

Date: JUN 22 2005

IN RE: Petitioner:

[Redacted]

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)

ON BEHALF OF PETITIONER:

[Redacted]

INSTRUCTIONS:

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

Robert P. Wiemann

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The District Director, Miami, denied the special immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The beneficiary is a twenty-year-old native and citizen of Brazil 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 issued a decision on October 8, 2004, denying the visa petition citing the fact that the beneficiary had reached eighteen years of age on February 24, 2003, and was no longer, by operation of Florida law, considered to be dependent upon the juvenile court or eligible for long term foster care. The district director concluded that the applicant was therefore no longer eligible for the benefit sought. *See Decision of the District Director*, dated October 8, 2004.

On November 9, 2004, counsel filed a Notice of Appeal (Form I-290B), and provided a brief statement in support of the appeal, but indicated that no separate brief or evidence would be submitted to the AAO within 30 days. That statement simply asserts that the beneficiary was eligible for Special Immigrant Juvenile (SIJ) status by virtue of the issuance of a juvenile court order finding the beneficiary to be eligible for long-term foster care. The statement provides that although a juvenile is expected to remain in foster care until the age of majority, a dependent child is eligible for long term foster care until the child turns twenty-four years of age under Chapter 39 of the Florida statutes. No additional evidence or explanation supporting this statement is provided.

Counsel has made a general assertion and has not explained why the beneficiary, despite reaching the age of majority under Florida law, remains eligible for long-term care. This is an insufficient basis for an appeal of the district director's decision. Counsel's general reference to the entire chapter of the Florida statutes addressing juveniles is insufficient.¹ Without more specific information regarding the provisions that counsel believes are relevant and how they apply in the beneficiary's case, counsel has failed to demonstrate why the district director's decision is in error.

ORDER: The appeal is dismissed and the district director's decision is affirmed.

¹ Notwithstanding the absence of a reference by counsel to a specific subsection, the AAO has been undertaken a review of Chapter 39 of the Florida Statutes, but has been unable to locate a reference to any provision supporting counsel's contention.