

(b)(6)



U.S. Citizenship
and Immigration
Services

[Redacted]

Date: **JAN 15 2014** Office: OMAHA, NE

File: [Redacted]

IN RE:

Petitioner: [Redacted]

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:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Omaha, Nebraska Field Office Director (“the director”), denied the special immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on motion to reconsider. The motion will be dismissed.

The petitioner is a 21-year-old citizen of Mexico who seeks classification as a special immigrant juvenile (SIJ) as defined at section 101(a)(27)(J) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(27)(J), and pursuant to section 203(b)(4) of the Act, 8 U.S.C. § 1153(b)(4). The director denied the petition based on her belief that the petitioner’s request for SIJ status was not bonafide. The AAO withdrew the director’s decision and remanded the Form I-360, Petition for Special Immigrant, to the director because the juvenile court order was deficient and the petitioner’s request for SIJ classification was not approvable. On certification, the AAO affirmed the director’s decision denying the petition on this ground.

A motion to reconsider must: (1) state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or U.S. Citizenship and Immigration Services (USCIS) policy; and (2) establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

The petitioner, through counsel, submits a brief reasserting that the petitioner provided the necessary evidence to establish a reasonable factual basis for the juvenile court order. However, counsel fails to establish that the AAO did not consider any credible evidence relevant to the petition in violation of the statute or regulations. Counsel does not cite any binding precedent decisions or other legal authority establishing that the AAO’s prior decision incorrectly applied the pertinent law or agency policy. Nor does he show that the AAO’s prior decision was erroneous based on the evidence of record at the time. Consequently, the motion to reconsider must be dismissed. *See* 8 C.F.R. § 103.5(a)(4) (a motion that does not meet the applicable requirements shall be dismissed).

ORDER: The motion is dismissed. The August 30, 2013 decision of the Administrative Appeals Office is affirmed. The appeal remains dismissed and the petition remains denied