



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

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

In Re: 20882381

Date: SEP. 5, 2024

Appeal of National Benefits Center Decision

Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (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 Amerasian, Widow(er), or Special Immigrant (SIJ petition), concluding that the record did not establish that the Petitioner was under the age of 21 years at the time of filing his SIJ petition, as required. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). 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, a petitioner 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). SIJ classification may only be granted upon the consent of the Secretary of the Department of Homeland Security, through U.S. Citizenship and Immigration Services (USCIS), when the petitioner meets all other eligibility criteria. Section 101(a)(27)(J)(iii) of the Act.

II. ANALYSIS

A. Relevant Facts and Procedural History

The record reflects that in [] 2018, a Circuit Court in Maryland issued an order appointing a guardian for the Petitioner based on a determination that he was a minor child born in [] 1998 and that appointment of a guardian would be in his best interest. On the same date, the Circuit Court

issued an *Order for Judicial Findings of Facts of Child's Eligibility for Special Immigrant Juvenile Status* finding that the Petitioner was under 21 years of age, residing with his guardian, and dependent on the court; his reunification with his parents was not viable due to "abuse, neglect, abandonment, financial hardship or similar basis found under Maryland law"; and it was not in his best interest to return to Bangladesh, his parents' country of nationality or last habitual residence. Based on the Circuit Court's orders, the Petitioner filed his SIJ petition in April 2018.

The Director denied the SIJ petition based on a determination that the Petitioner did not establish that he was under the age of 21 years at the time of filing the SIJ petition, as 8 C.F.R. § 204.11(b)(1) requires. The Director explained that government records indicate the Petitioner previously used a different identity, with the name M-Ra-¹ and a date of birth in [] 1989, which is inconsistent with his claims in his SIJ petition that his name is M-Ro- and his date of birth is in [] 1998. The Director considered the evidence and arguments the Petitioner submitted in response to a request for evidence and a notice of intent to deny but determined that this issue had not been resolved.

During adjudication of the Petitioner's appeal, we issued a notice of intent to dismiss (NOID) to inform him of derogatory information of which he was unaware and offer an opportunity to respond. We explained that USCIS conducted an overseas investigation to verify identification documents the Petitioner submitted in support of his SIJ petition and determined that several documents were fraudulent.

B. The Petitioner Has Not Established that he was Under 21 Years of Age at the Time of Filing

On appeal, the Petitioner argues that he has submitted sufficient evidence to show that his date of birth is in [] 1998 and that he was under the age of 21 when he filed his SIJ petition. He submits a personal statement, a copy of his birth certificate, copies of his passports, documentation from his municipality and the schools he claims to have attended, a letter of support from a relative who claims to have attended his birth, immunization records, copies of the U.S. Department of State (DOS) visa reciprocity tables for Bangladesh, and records from his time in the custody of the Office of Refugee Resettlement (ORR). He previously submitted other documentation to support his claimed date of birth before the Director, including school and vaccination records, supporting letters, documentation from his municipality, the results of a dental age exam, copies of his identity documents, and copies of DOS and USCIS guidance.

The Director raised material inconsistencies between the birth certificate the Petitioner submitted and government records showing that he had used a different name and date of birth during prior encounters with immigration officials. Also, the Director noted that the birth certificate was registered approximately 17 years after the Petitioner's claimed date of birth and that additional evidence to establish his date of birth was therefore needed. In response, the Petitioner provided additional documentation, including a 2020 letter from his municipality entitled "To Whom May Concern" (2020 municipal letter) stating that registration of births and deaths did not become compulsory until 2006-2007 and the registration system was not introduced in the municipality until 2016, so the Petitioner was unable to register his birth until February 2016. He also submitted a 2021 Non Availability

¹ We use initials and abbreviations throughout to protect confidential information.

Certificate purportedly issued by the same authority² stating the birth entry of the Petitioner “has not been found to be registered on [REDACTED] 1998 and subsequently to that date.” However, the meaning of this statement is not clear, as the 2020 municipal letter and the birth certificate both state his birth was registered in 2016.

Although the birth certificate the Petitioner submitted in support of his SIJ petition lists his claimed date of birth, it bears a signature stamp from the “Registrar of Brith and Death,” misspelling the word “birth.” The birth certificate also contains three different spellings³ of the name of the municipality where the birth was allegedly registered. In response to our NOID, the Petitioner submits a new birth certificate labeled “duplicate” and bearing the same date of registration and date of issuance as the original, but with unexplained differences in formatting and phrasing. Additionally, the new birth certificate also contains three different spellings⁴ of the name of the issuing municipality. The discrepancies in the birth certificates reduce their evidentiary weight, and the other evidence in the record is not sufficient to resolve the inconsistencies and establish the Petitioner’s claimed date of birth.

In response to our NOID, the Petitioner again contends that he has submitted sufficient evidence to prove his date of birth. He states that he used a passport with a different date of birth during his travel from Bangladesh to the United States but that passport was obtained by smugglers who forced him to use it. He states he felt safe to disclose his identity to U.S. border officials at apprehension, at which point he provided his name as M-Ro- and his date of birth as [REDACTED] 1998. He reiterates that he subsequently applied for a passport at the Consulate General of Bangladesh in New York and provides copies of two passports, one issued in 2019 and the other issued in 2024. Additionally, he argues that his Notice to Appear (NTA) and records from U.S. Immigration and Customs Enforcement (ICE) are consistent with his claimed date of birth.

As we informed the Petitioner in our NOID, investigators contacted [REDACTED] High School to verify the Petitioner’s class 7 school certificate, which the Petitioner submitted in support of his SIJ petition. The headmaster of the school examined the certificate and advised that it was not genuine and not issued by the school. He stated that any certificate issued after the headmaster joined the school in 2015 must bear his signature and an official signature stamp with the full name of the signatory, school name, and full address, which the Petitioner’s certificate lacks. The headmaster also stated that the school was established in 1968, not 1963 as the Petitioner’s certificate indicates. Also, although the Petitioner’s certificate lists [REDACTED] as the location, the headmaster stated there is no such place in [REDACTED]. Furthermore, investigators observed that although the Petitioner’s certificate states he passed the class 7 examination in 2015, he would have been 16 or 17 years old at the time if his true date of birth were in [REDACTED] 1998, while a student in Bangladesh would typically take the class 7 exams at an earlier age.

² The 2020 municipal letter and 2021 Non Availability Certificate contain discrepancies in the name of the municipality and relevant officials, as we will discuss later.

³ The letterhead states the birth certificate comes from the municipality of [REDACTED]. The body of the certificate states the Petitioner was born and lives in [REDACTED]. The signature stamps at the bottom of the certificate state the officials are from [REDACTED]. As we will explain below, per the results of the USCIS investigation, none of these spellings are used in official documentation from the municipality of [REDACTED].

⁴ The new birth certificate uses [REDACTED] in the letterhead, [REDACTED] in the body, and [REDACTED] in the signature stamps.

In response to our NOID, the Petitioner submits a personal statement indicating that he contacted the headmaster of [redacted] High School who found his records and apologized for “rejecting [him] as a student” during the USCIS investigation. The Petitioner asserts that the headmaster told him the information given to investigators resulted from an error by school administrators in listing “the wrong post office on [the] certificate.” Additionally, the Petitioner states he has had epilepsy since childhood, which prevented him from attending school on time and caused gaps in his education.

As supporting evidence, he provides medical records from exams and treatment he has received in the United States. Among the medical records is evidence that he was treated at a hospital for a seizure and was prescribed medication. He further submits an August 2024 Statement of Headmaster stating that “[d]ue to some mistakes in the certificate . . . [he] could not recognize [his] student immediately, so [he] refused to say” that the Petitioner was a student of the school, but after the Petitioner contacted the school they “were able to identify [him] as [their] student.” Further, the Statement of Headmaster indicates the previously submitted school certificate was properly signed by the headmaster’s secretary but contains “unintentional mistakes,” including that the “school was established in 1963 but it was later updated in 1968” and “the name [redacted] Post Office must be a printing error.” Additionally, the Petitioner submits an August 2024 School Leaving Certificate indicating that he was a student of class seven at [redacted] High School, paid fees through December 2015, and his date of birth was in [redacted] 1998.

Although the Petitioner submits some medical records to indicate he has been treated for a seizure, he has not overcome the results of the USCIS investigation showing that the certificate he submitted from [redacted] High School is not genuine. In his Form I-589, Application for Asylum or for Withholding of Removal, the Petitioner claimed that he attended [redacted] High School and that its location was “P.O. [redacted] This is consistent with the school certificate he initially submitted in support of his SIJ petition, in which the letterhead listed the location as “P.O.: [redacted] P.S.: [redacted] The signature stamp on the school certificate also showed the school was in [redacted] Accordingly, his statement and evidence in response to our NOID that the [redacted] Post Office was mistakenly printed at the top of the certificate does not adequately explain the previously submitted evidence about the school’s location.

Furthermore, the school certificate is labeled “SCHOOL CETIFICATE,” misspelling the word “certificate” in the title of the document, and the letterhead misspells [redacted] Also, unlike the new School Leaving Certificate he now provides, the school certificate does not contain the name of [redacted] High School in the letterhead or in the body of the document; the name of the school appears only in the signature stamp. The evidence does not clearly indicate that both the original school certificate and the new School Leaving Certificate were issued by the same authority, as claimed. Additionally, the signature stamps on the Statement of Headmaster and the School Leaving Certificate misspell the name of the headmaster, using “Mahabubur” instead of the correct “Mahbubur,” and the name of the school, using [redacted] instead of [redacted] Due to the discrepancies between these documents and other evidence in the record, they merit reduced evidentiary weight and do not overcome the investigatory findings.

Furthermore, the claims in the Petitioner’s new statement and the Statement of Headmaster that the headmaster did not recognize him as a student until they looked in old records is not consistent with the results of the USCIS investigation, during which the headmaster personally reviewed the school

certificate and informed investigators, based on multiple details, that it was not genuine. And the Petitioner has not addressed the other issues we raised regarding the school certificate, including that the headmaster's signature stamp should have contained his full name, the school name, and the full address.

We also notified the Petitioner in our NOID that investigators were unable to verify his claimed attendance at [redacted]. Investigators spoke with an official of the only madrasa in [redacted] to discuss the January 2006 [redacted] Admission Application Form (application form) the Petitioner submitted. The official stated there is no institution named [redacted] at [redacted]. They advised that the application form the Petitioner submitted from a madrasa of that name is not genuine. Additionally, local investigators in Bangladesh noted that the application form contains other discrepancies. They determined, based on their expertise, that unlike the application form the Petitioner submitted, a madrasa would not issue a certificate in English or write "Religious School" in the letterhead. Additionally, the Petitioner purportedly signed the certificate when he was eight years old, but an adult should have signed on his behalf because he was a minor. Furthermore, the application form is signed by the principal and an office assistant of the alleged madrasa, but investigators determined that office assistants cannot sign school certificates in Bangladesh. Investigators found this supporting document to be fraudulent.

In response, the Petitioner claims in his personal statement that the application form "was filled by the office authority and [his] guardian signs that application form on [his] behalf." He further states that he recently learned the [redacted] moved from [redacted] to another location in 2022. He submits a 2024 Statement of Chairman of the [redacted] stating that the [redacted] [redacted] "Was a Privately Owned Institution in a Rented Space, and they Moved their Institution to Another Place in 2022." Even if the [redacted] did once exist at that location and has since moved, the Petitioner has not addressed the other concerns raised in the NOID regarding the language, vocabulary used in the letterhead, or authority of the signatories in the application form. He also appears to concede that the application form should not have contained his signature as a minor, as he now states that a "guardian signs that application form on [his] behalf." Furthermore, the application form is signed at the bottom by the "Principle," a misspelling of the word "Principal." It was also submitted and signed by the school's office assistant on January 1, 2006, a Sunday. The Petitioner has not provided sufficient evidence to establish the authenticity of this document.

As we further noted in our NOID, investigators spoke with an administrator of the [redacted] [redacted] municipality. The administrator noted the official name of the municipality is spelled [redacted] and the municipal website is [redacted]municipality.gov.bd." The administrator pointed out that this conflicts with the 2020 municipal letter the Petitioner submitted, purportedly signed by H-B-, "Panel Mayor" of the municipality, regarding the late registration of his birth, which refers to the municipality as [redacted] and lists the website as [redacted]municipality.gov.bd." The signature stamp on the 2020 municipal letter also contains a third spelling, [redacted]. Accordingly, investigators determined that this document is fraudulent.

In his NOID response, the Petitioner submits a 2024 Statement of Panel Mayor stating that official documents may contain different spellings of [redacted]. However, this letter contains internal inconsistencies and does not sufficiently resolve the concerns identified. The letterhead indicates the letter comes from the office of [redacted] municipality, while the body states the

writer represents the [redacted] Municipality” but that paper documents are issued with the name [redacted]. The body of the letter states that the “official website” is spelled [redacted]⁵ but that the website address is “www.[redacted]municipality.gov.bd,” and the letterhead lists the website as “www.[redacted]municipality.gov.bd.” According to the letter, officials are “still working on correcting the conflicting words.” However, the letter is inconsistent with the information USCIS investigators obtained confirming that the proper spelling of the municipality’s name is [redacted] and the website is [redacted]municipality.gov.bd.” The Petitioner does not explain why the Statement of Panel Mayor introduces a new website spelling that conflicts with its own contents and with the other evidence in the record. The Petitioner also previously submitted a Family Certificate which contains further discrepancies, listing the municipality name as [redacted] in the letterhead but [redacted] in the title of the document. Officials in Bangladesh have not indicated that [redacted] [redacted] are acceptable alternate spellings that would appear on official documentation properly issued by the municipality. Furthermore, the 2024 Statement of Panel Mayor indicates that different spellings may appear in different types of communications but does not state that multiple different spellings would appear within a single document, as occurs in several pieces of the Petitioner’s evidence.

As stated, an investigation has found the 2020 municipal letter from H-B- to be fraudulent. The evidence the Petitioner submits to refute that finding introduces further discrepancies. The differences between and within the 2020 municipal letter, the Non Availability Certificate, the Family Certificate, the Statement of Panel Mayor, and the Petitioner’s birth certificates, all allegedly issued by the same municipal authority, reduce the evidentiary weight of all of these documents.

Furthermore, although the title and body of the Statement of Panel Mayor indicate it is from an official holding the title of “Panel Mayor,” the signature stamp spells that official’s title as “Penal Mayor.” The Petitioner also previously submitted a 2021 Non Availability Certificate purportedly issued by the [redacted] “Penal Mayor.” The 2020 municipal letter the Petitioner submitted indicates in the signature stamp that the official was the “Panel Mayo.”⁶ The title of this official is not clear, and correspondence purportedly authored by them carries minimal evidentiary weight.

We also notified the Petitioner in our NOID that investigators determined his vaccination record is not genuine. Investigators noted the dates and signatures appear to be in fresh, recent handwriting such that the form was not filled out in 1998 and 1999, as claimed. Additionally, we pointed out that the dates and signatures all appear to have been written in the same ink and by the same writer, instead of by different individuals at different vaccination dates over a period of time. In response, the Petitioner states his “original vaccine card was missing” so he applied for a new one. He claims the new card was “fresh” and “prepared the . . . same day by checking in the record,” so “the writing was made the same day and same ink was used.” He also submits a Statement of [redacted] Health Complex indicating that “in view of the lost vaccine card application, [they] checked [their] old records and issued [the Petitioner] a new vaccine card.” However, the vaccine card contains the dates of each immunization

⁵ Differences in spelling of the word [redacted] also appear in the record, including [redacted]. And the letterhead of the 2020 municipal letter refers to [redacted] while the Non Availability Certificate spells it [redacted].

⁶ Although there are some irregularities in the signature stamp that make portions difficult to read, the letter “R” that would normally appear at the end of “Mayor” does not appear to be present.

followed by the “signature of worker” who administered each. It is not clear how the signatures could have been duplicated based on old records. The Statement of [redacted] Health Complex also introduces another spelling of the municipality’s name, indicating that the writer is the Sanitary Inspector of the [redacted]. Regardless of the Petitioner’s vaccination history, that document, even if authentic, is not sufficient to overcome the concerns in this case and establish the Petitioner’s date of birth.

We acknowledge that the Petitioner has submitted other evidence bearing his claimed date of birth, including copies of his passports, records of medical and dental exams and treatment in the United States, his NTA and records from ORR and ICE, photographs, and supporting letters. However, the record does not indicate that the documentation issued by U.S.-based entities, including U.S. schools, medical providers, and government agencies such as ORR and ICE, is based on any evidence other than the Petitioner’s self-reporting of his date of birth. There is no indication in the record that those officials were aware of the discrepancies in the evidence supporting the Petitioner’s claimed date of birth or that they sought evidence to corroborate the Petitioner’s own report of his age. Furthermore, due to the discrepancies in the Petitioner’s birth certificate and multiple supporting documents from Bangladesh, the evidence when considered as a whole does not sufficiently establish the Petitioner’s date of birth. Although the regulation allows a petitioner to submit secondary evidence of age, such evidence must establish the petitioner’s age in USCIS’ discretion. 8 C.F.R. § 204.11(d)(2).

Due to the inconsistencies in the record regarding the Petitioner’s date of birth, the Petitioner has not demonstrated by a preponderance of the evidence that he was under 21 years of age at the time he filed his SIJ petition, as required. Section 101(a)(27)(J) of the Act; 8 C.F.R. § 204.11(b). The Petitioner has not met his burden of establishing eligibility by a preponderance of the evidence.

ORDER: The appeal is dismissed.