



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

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

In Re: 29200185

Date: SEP. 9, 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). *See* Immigration and Nationality Act (the Act) sections 101(a)(27)(J) and 204(a)(1)(G), 8 U.S.C. §§ 1101(a)(27)(J) and 1154(a)(1)(G). SIJ classification protects foreign-born children in the United States who cannot reunify with one or both parents because of abuse, neglect, abandonment, or a similar basis under state law.

The Director of the National Benefits Center denied the Form I-360, Petition for Special Immigrant Juvenile (SIJ petition), concluding that the record did not contain evidence of a judicial determination that the Petitioner was subjected to abuse, abandonment, neglect, or a similar basis under state law. The matter is now before us on appeal. 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.

We issued a notice of intent to dismiss (NOID) on July 19, 2024, which we hereby incorporate by reference, explaining that the record did not establish the Petitioner's identity due to issues with his birth certificate, and it did not establish the identity of his mother and therefore the basis of his Special Immigrant Juvenile court order (SIJ order). Additionally, we mentioned that the record indicated he obtained his SIJ order for the sole purpose of obtaining an immigration benefit. We provided detailed derogatory information related to these issues. In our NOID, we stated that we intended to dismiss his SIJ petition based in part on the derogatory information in the record, and we provided the Petitioner with an opportunity to rebut the derogatory information.

We provided the Petitioner 33 days to respond to the NOID and mentioned that we may dismiss his case if we did not receive a response to the NOID.

As of the date of this decision, we have not received a response. A benefit request may be denied as abandoned, denied based on the record, or denied for both reasons if a petitioner does not respond to

a NOID by the required date. 8 C.F.R. § 103.2(b)(13)(i). Here, the Petitioner did not timely respond to the NOID within 33 days. The appeal will be dismissed for abandonment.

ORDER: The appeal is dismissed.