



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

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

In Re: 34083493

Date: SEP. 17, 2024

Motion on Administrative Appeals Office Decision

Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Special Immigrant Juvenile)

The Petitioner, a native and citizen of Guatemala, 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 petition, concluding that the Petitioner did not establish that he was under 21 years of age at the time of filing his petition for SIJ classification. We dismissed a subsequent appeal. The matter is now before us on motion to reconsider. 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). Upon review, we will dismiss the motion.

A motion to reconsider must establish that our prior decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). Our review on motion is limited to reviewing our latest decision. 8 C.F.R. § 103.5(a)(1)(ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit.

On motion, the Petitioner contests the correctness of our prior decision. As discussed in a separate decision, he has not established our prior decision was based on an incorrect application of law or policy at the time it was rendered. The Petitioner submitted the present motion and brief, referencing an adverse decision dated May 9, 2024, and we received the motion and brief on June 7, 2024. However, the decision mailed on May 9, 2024, was an identical copy of the decision we issued on March 21, 2024 – for which the Petitioner already filed a motion on April 19, 2024. The cover letter for the May 2024 mailing stated, in bold, “[w]e are resending you this non-precedent decision of the Administrative Appeals Office (AAO) for your case”, noting the prior copy was returned due to an incorrect mailing address. We have addressed that motion in a separate decision; therefore, the present motion must be dismissed as moot.

ORDER: The motion to reconsider is dismissed.