

## Shirk, Georgette L

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**From:** Goudge, Laurie A  
**Sent:** Thursday, January 19, 2017 10:31 AM  
**To:** Tobias, Valerie L; Connor, Alina M  
**Cc:** Bibona, Lisa M  
**Subject:** FW: SIJ I-360 Templates  
**Attachments:** SIJ Form I-360 NOID Final NBC OCC Cleared 18Jan17 LG.docx

Here is what was cleared for the NBC – SIJ Based I-360 NOID.

**From:** Goudge, Laurie A  
**Sent:** Wednesday, January 18, 2017 8:54 AM  
**To:** Porter, Elizabeth A (Ann); Chang, Tienyun  
**Cc:** Sanders, Monica P; Rosenstock, Peter L; Goudge, Laurie A  
**Subject:** RE: SIJ I-360 Templates

Good morning Ann –

Mariam has OCC cleared the attached SIJ NOID for use.

Please let me know if you have any questions.

Thank you.

Laurie A. Goudge  
AO, Special Adjudications Branch  
Division 1 FOD  
U.S. Citizenship and Immigration Services  
Department of Homeland Security

[REDACTED] (b)(6)

**From:** Porter, Elizabeth A (Ann)  
**Sent:** Tuesday, January 10, 2017 8:23 PM  
**To:** Goudge, Laurie A; Chang, Tienyun  
**Cc:** Sanders, Monica P; Rosenstock, Peter L  
**Subject:** RE: SIJ I-360 Templates

Laurie,

I don't think I ever got any follow-up emails from you about whether Mariam was ok with this revision of the NOID. Could you please check to see if you received any additional comments or edits from Mariam?

Thanks.

*(Elizabeth)Ann Porter*

Section Chief, Adjudication Division 4 (AOS)  
National Benefits Center  
Lee's Summit, MO 64063  
(Office) 816-389-4347  
(Cell) 816-433-7750  
email address: [REDACTED].gov

(b)(6)

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**From:** Goudge, Laurie A  
**Sent:** Wednesday, November 09, 2016 8:09 AM  
**To:** Porter, Elizabeth A (Ann); Chang, Tienyun  
**Cc:** Sanders, Monica P; Rosenstock, Peter L  
**Subject:** RE: SIJ I-360 Templates

Good morning –

I sent this back over to Mariam for her final take.

Also, did you want to have a call this morning? I don't have any updates on my end other than getting this cleared.

Laurie

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**From:** Porter, Elizabeth A (Ann)  
**Sent:** Tuesday, November 08, 2016 4:31 PM  
**To:** Goudge, Laurie A; Chang, Tienyun  
**Cc:** Sanders, Monica P; Rosenstock, Peter L  
**Subject:** RE: SIJ I-360 Templates

Agree. Sorry about that. Here is a clean version for hopefully a final review and concurrence.

*(Elizabeth)Ann Porter*

Section Chief, Adjudication Division 4 (AOS)  
National Benefits Center  
Lee's Summit, MO 64063  
(Office) 816-389-4347  
(Cell)   
email address: .gov

(b)(6)

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**From:** Goudge, Laurie A  
**Sent:** Tuesday, November 08, 2016 4:18 PM  
**To:** Porter, Elizabeth A (Ann); Chang, Tienyun  
**Cc:** Sanders, Monica P; Rosenstock, Peter L  
**Subject:** FW: SIJ I-360 Templates

A few more edits from Mariam –

I suggest if we go for any more rounds of review that we do a "clean version" as this one is getting really hard to read!

Laurie

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**From:** Ahmedani, Mariam  
**Sent:** Tuesday, November 08, 2016 4:08 PM  
**To:** Goudge, Laurie A  
**Subject:** RE: SIJ I-360 Templates

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**From:** Goudge, Laurie A  
**Sent:** Tuesday, November 08, 2016 5:03 PM  
**To:** Ahmedani, Mariam  
**Subject:** FW: SIJ I-360 Templates

The NBC has revised by adding sub bullets. Will you take a look and let me know if you agree?

Laurie

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**From:** Porter, Elizabeth A (Ann)  
**Sent:** Tuesday, November 08, 2016 3:49 PM  
**To:** Goudge, Laurie A; Chang, Tienyun  
**Cc:** Sanders, Monica P; Rosenstock, Peter L  
**Subject:** RE: SIJ I-360 Templates

Since OCC (Mariam) indicated that she believed the first bullet to be grammatically awkward, I reworked it by adding sub-bullets. I believe this makes the language much clearer, while retaining most of the regulatory language. I hope it also sufficiently addresses the need to include "whom such a court" without actually using that language verbatim.


Please take a look at the revised text.

*(Elizabeth)Ann Porter*

Section Chief, Adjudication Division 4 (AOS)  
National Benefits Center  
Lee's Summit, MO 64063  
(Office) 816-389-4347  
(Cell) [REDACTED]  
email address: [REDACTED].gov

(b)(6)

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**From:** Goudge, Laurie A  
**Sent:** Tuesday, November 08, 2016 8:24 AM  
**To:** Porter, Elizabeth A (Ann); Chang, Tienyun  
**Cc:** Sanders, Monica P; Rosenstock, Peter L; Goudge, Laurie A  
**Subject:** FW: SIJ I-360 Templates

Good morning Ann –

Please take a look at OCC comments/suggestions. For the most part OCC is ok with the edits you suggested but there are a couple of exceptions to that.

Laurie

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**From:** Ahmedani, Mariam  
**Sent:** Monday, November 07, 2016 12:29 PM  
**To:** Goudge, Laurie A  
**Subject:** RE: SIJ I-360 Templates

A few suggestions

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**From:** Goudge, Laurie A  
**Sent:** Monday, November 07, 2016 8:47 AM  
**To:** Ahmedani, Mariam  
**Subject:** FW: SIJ I-360 Templates

Good morning Mariam –

The NBC has reviewed the NOID/Denial template language we worked and would like to suggested a few additional changes. Will you take a look and let me know if you have any concern with making the suggested changes?

Laurie

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**From:** Porter, Elizabeth A (Ann)  
**Sent:** Friday, November 04, 2016 7:24 PM  
**To:** Goudge, Laurie A; Chang, Tienyun; Sanders, Monica P  
**Cc:** Rosenstock, Peter L  
**Subject:** RE: SIJ I-360 Templates

I have some additional thoughts about making the NOID and denial introductory language more “plain language-friendly.” Please see attached.


Thanks.

*(Elizabeth)Ann Porter*

Section Chief, Adjudication Division 4 (AOS)  
National Benefits Center  
Lee's Summit, MO 64063  
(Office) 816-389-4347  
(Cell) [REDACTED]  
email address: [REDACTED].gov

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**From:** Goudge, Laurie A  
**Sent:** Friday, November 04, 2016 8:33 AM  
**To:** Chang, Tienyun; Sanders, Monica P; Porter, Elizabeth A (Ann)

**Cc:** Rosenstock, Peter L; Goudge, Laurie A  
**Subject:** RE: SIJ I-360 Templates

Hi Ada –

Thank you for reviewing – it seems no matter how many times you look at something there is always one or two you miss!

I responded to all of your comments on both documents and made the corrections/changes with the exception of changing “1” to “one” as the INA reads “1”.

If you agree and don't see anything else, then I think they should be good to go for loading into ECHO.

Laurie

**From:** Chang, Tienyun  
**Sent:** Thursday, November 03, 2016 3:54 PM  
**To:** Goudge, Laurie A; Sanders, Monica P; Porter, Elizabeth A (Ann)  
**Cc:** Rosenstock, Peter L  
**Subject:** RE: SIJ I-360 Templates

Laurie,

I found some typos on the letters. If the corrections are ok, we will add these two templates in ECHO. Thanks.

Tienyun (Ada) Chang  
Section Chief, Adjudications/AOS  
National Benefits Center, Lee's Summit, MO  
(816) 251-2739

[redacted] cell  
[redacted].gov

(b)(6)

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**From:** Goudge, Laurie A  
**Sent:** Thursday, November 03, 2016 10:07 AM  
**To:** Sanders, Monica P; Chang, Tienyun; Porter, Elizabeth A (Ann)  
**Cc:** Rosenstock, Peter L; Goudge, Laurie A  
**Subject:** SIJ I-360 Templates

Good morning –

Attached are the OCC cleared templates for SIJ I-360 NOID and Denial. I am still working on the template for auto revocation, but these are the two main ones you need. In the body, the main requirements are listed including USCIS consent. The detailed requirements are listed in the legal citations at the end. So if you were going to deny for being married, you would refer to that. This style is consistent with FOD templates for other benefit types.

As you come across the first ones that need to be NOID/Denied we can work together and then request OCC review to make sure everything is correct.

Please review and let me know if there are any errors that need to be corrected (even with two sets of eyes, we could have missed something). My next step will be getting these into Field Office format so that all the decisions are issued on this template regardless of where the decision is issued from.

Thank you.

Laurie



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

Date

Name  
Address  
City, State ZIP

A# [A NUMBER]  
Receipt # [RECEIPT NUMBER]  
Form: I-360

**Notice of Intent to Deny**

Dear First/Last Name:

Thank you for submitting Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant to U.S. Citizenship and Immigration Services (USCIS). You have sought classification as a Special Immigrant Juvenile under Section 101(a)(27)(J) of the Immigration and Nationality Act (INA).

This letter is to notify you that USCIS intends to deny the above-referenced Form I-360. Before this decision becomes final, you are provided an opportunity to submit documentary evidence in an effort to overcome the grounds of the intended denial.

Generally, for a petitioner to demonstrate that he or she is eligible for Special Immigrant Juvenile classification under INA § 101(a)(27)(J), the petitioner must be present in the United States and submit order(s) from a juvenile court of competent jurisdiction located in the United States that makes the following findings:

- The petitioner has been declared dependent on a juvenile court located in the United States or placed under the custody of, or legally committed to:
  - an agency or department of a State within the United States, or
  - an individual or entity appointed by a State or juvenile court in the United States; and
- Reunification with one or both of the petitioner's parents is not viable due to abuse, neglect, or abandonment, or a similar basis found under State law; and
- It is not in the petitioner's best interest to be returned to petitioner's or to his or her parent's country of residence or last habitual residence; and

USCIS must consent to the grant of special immigrant juvenile classification.

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the benefits sought. Matter of Brantigan, 11 I&N Dec. 493 (BIA 1966); Title 8 Code of Federal Regulations (8 CFR) 103.2(b)(1). You must demonstrate you can be classified as a Special Immigrant Juvenile.

**Statement of Facts and Analysis, Including Ground(s) for Denial**

[Fill in information about procedural history if necessary.]

USCIS received your Form I-360 on [DATE]. On [DATE] USCIS issued a Request for Evidence advising you that the evidence supporting the petition was insufficient to establish eligibility for the benefit sought and providing an opportunity to submit additional evidence.

You responded to the [Request for Evidence on [DATE]], and submitted the following documentation:

- LIST
- THE
- SUBMITTED
- ITEMS

[Analysis of all evidence and why it is insufficient, including Ground(s) for Denial].

Based on a review of the record, USCIS finds that you have not met your burden of proof in demonstrating your petition should be approved.

You are granted a period of 30 days from the date of the letter to submit any evidence you wish considered in support of your petition and in opposition to the grounds for denial in this notice. Failure to respond to this notice will result in the denial of the petition. Please note that all foreign language documents must be submitted with complete and accurate English translation. The translator must certify that the translation is complete and accurate, and that he or she is competent to translate. Do not submit the English translations without the foreign language documents.

Send your response to:

U.S. Department of Homeland Security  
P.O. Box 648005  
Lee's Summit, MO 64002

You should include a copy of this notice with your response.

If you need additional information, please visit the USCIS Web site at [www.uscis.gov](http://www.uscis.gov) or call our National Customer Service Center toll free at 1-800-375-5283.

Sincerely,



Robert M. Cowan  
Director

RPC/[insert RPC code]

**Attachment**  
(Applicable Law/Regulation)



8 CFR 103.2

(b) Evidence and processing.

(1) Demonstrating eligibility. An applicant or petitioner must establish that he or she is eligible for the requested benefit at the time of filing the benefit request and must continue to be eligible through adjudication. Each benefit request must be properly completed and filed with all initial evidence required by applicable regulations and other USCIS instructions. Any evidence submitted in connection with a benefit request is incorporated into and considered part of the request.

(16)(i) If the decision will be adverse to the application or petitioner and is based on derogatory information considered by [USCIS] and of which the applicant or petitioner is unaware, he/she shall be advised of this fact and offered an opportunity to rebut the information and present information in his/her own behalf before the decision is rendered...

8 CFR 103.8

(b) Effect of service by mail. Whenever a person has the right or is required to do some act within a prescribed period after the service of a notice upon him and the notice is served by mail, 3 days shall be added to the prescribed period. Service by mail is complete upon mailing.

INA 101(a)(27)(J)

(J) an immigrant who is present in the United States--

(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;

(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

(iii) in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status, except that--

(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the custody of the Secretary of Health and Human Services unless the Secretary of Health and Human Services specifically consents to such jurisdiction; and

(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

8 CFR 204.11\*

(c) Eligibility. An alien is eligible for classification as a special immigrant under section 101(a)(27)(J) of the Act if the alien is;

(1) Is under twenty-one years of age;

(2) Is unmarried;

(6) Has been the subject of judicial proceedings or administrative proceedings authorized or recognized the juvenile court in which it has been determined that it would not be in the alien's best interest to be returned to the country of nationality or last habitual residence of the beneficiary or his or her parent or parent(s);

(d) Initial documents which must be submitted in support of the petition (1) Documentary evidence of the alien's age, in the form of a birth certificate, passport, official foreign identity document issued by a foreign government, such as a Cartilla or a Cedula, or other document which in the discretion of the director establishes the beneficiary's age;

\* 8 CFR 204.11 has been superseded in part by the Trafficking Victims Protection and Reauthorization Act of 2008. Official policies can be found in Policy Manual Volume 6 Part J and Volume 7 Part F.

**PART ONE- I-360 SHELLS:**

**1. I-360 RFE Shell**

[[[LETTERHEADER]]]

Dear [[[LETTER\_BENEFICIARY\_FIRST\_NAME\_TX]]]  
[[[LETTER\_BENEFICIARY\_LAST\_NAME\_TX]]]:

**Why We Are Writing You**

On [[[LETTER\_CASE\_RECEIPT\_DT]]], you submitted your [[[FORM\_TYPE\_NAME\_TX]]. We are writing to inform you that we need more information from you to make a decision on your case. Please read this letter carefully and follow all of the instructions below.

**What You Need To Do**

You must provide the following information in order for us to make a final decision on your case.

INSERT STANDARD PARAGRAPH

**When You Need To Do It**

You must send the requested information by mail to the address shown below by [[[LETTER\_CALL\_UP\_DT]].

You must submit all of the requested evidence at one time. If you submit only part of the evidence, we will make a decision based on the evidence that you submit. We will not consider any evidence that is submitted after the due date. If you do not respond to this request by the date shown above, we will deny your case.

If you submit a document in any language other than English, you must provide: (1) a copy of the original document in its foreign language; and (2) a full English translation of the document. The translator must certify that the translation is complete and accurate, and that he or she is competent to translate from the foreign language to English.

We strongly recommend you keep a copy of all documents that you submit to USCIS in response to this request.

**Please include a copy of ALL pages of this letter with your response.**

Submit your response with requested document(s), information, etc. to this address:

Regular Mail	Express Mail or Courier Deliveries
<b>U.S. Department of Homeland Security</b>	<b>National Benefits Center, USCIS</b>
PO Box 25920	7600B West 119th Street
Overland Park, KS 66225	Overland Park, KS 66213

**Please do not forget to include a copy of ALL pages of this letter with your response.**

Sincerely,

[[[SIGNATURE]]]

## 2. I-360 NOID Shell

I-360 NOID Shell is in ECHO, along with one standard paragraph. Need to create additional standard paragraphs for the NOID.

### **NOID Shell – FINAL CLEARED**

#### NOTICE OF INTENT TO DENY

This letter is to notify you that USCIS intends to deny the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, you submitted on [[[LETTER\_CASE\_RECEIPT\_DT]]] to U.S. Citizenship and Immigration Services (USCIS). You seek classification as a Special Immigrant Juvenile (SIJ) under section 101(a)(27)(J) of the Immigration and Nationality Act (INA).

Before this decision becomes final, USCIS is giving you an opportunity to submit evidence in an effort to overcome the grounds for denial.

Generally, to demonstrate eligibility for SIJ classification under INA 101(a)(27)(J), you must be under 21 at the time of filing, unmarried, present in the United States, and submit order(s) issued by a juvenile court of competent jurisdiction located in the United States that contain the following rulings:

- You have been declared dependent on a juvenile court located in the United States or placed under the custody of or legally committed to:
  - an agency or department of a state within the United States, or
  - an individual or entity appointed by a state or juvenile court in the United States; and
- Reunification with one or both of your parents is not viable due to abuse, neglect, abandonment, or a similar basis found under state law; and
- Evidence that the juvenile court or other lawfully authorized agency had determined that it is not in your best interest to be returned to your or to your parents' country of residence or last habitual residence.

Finally, USCIS must consent to granting you Special Immigrant Juvenile classification.

#### **Statement of Facts and Analysis, Including Ground(s) for Denial**

INSERT STANDARD PARAGRAPHS

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the benefit sought. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966); Title 8 Code of Federal Regulations (8 CFR) 103.2(b)(1). You must demonstrate you are eligible be classified as a SIJ.

Based on a review of your case, USCIS finds that you have not demonstrated that your Form I-360 petition should be approved.

#### **How to Respond**

You may submit additional evidence in support of your petition and to show why USCIS should not deny your petition based on the reasons listed above. You must submit all evidence by [[[LETTER\_DT+30]]]. If you do not respond, we will deny your Form I-360.

Please note that if you are submitting foreign language documents, you must also include complete and accurate English translations. The translator must certify that the translation is complete and accurate, and that he or she is competent to translate. Do not submit the English translations without the foreign language documents.

### 3. **I-360 Denial Shell**

[[[LETTERHEADER]]]

Dear [[[[LETTER\_BENEFICIARY\_FIRST\_NAME\_TX]]] [[[[LETTER\_BENEFICIARY\_LAST\_NAME\_TX]]]

~~Thank you for having submitted~~ Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant to U.S. Citizenship and Immigration Services (USCIS), ~~and. You have sought classification as a Special Immigrant Juvenile under Section 101(a)(27)(J) of the Immigration and Nationality Act (INA).~~

After a thorough review of your petition and the record of evidence, we must inform you that we are denying your petition for the following reason(s).

Generally, ~~for a petitioner~~ to demonstrate that ~~he or she you are~~ is eligible for Special Immigrant Juvenile classification under INA § 101(a)(27)(J), you must be under 21 at the time of filing, unmarried, the petitioner must be present in the United States, and submit order(s) from a juvenile court of competent jurisdiction located in the United States that makes the following findings:

- ~~The petitioner~~ You have ~~has~~ been declared dependent on a juvenile court located in the United States or placed under the custody of, or legally committed to:
  - an agency or department of a State within the United States, or
  - an individual or entity appointed by a State or juvenile court in the United States; and
- Reunification with one or both of ~~the petitioner's~~ your parents is not viable due to abuse, neglect, or abandonment, or a similar basis found under State law; and
- It is not in ~~the petitioner's~~ your best interest to be returned to ~~petitioner's~~ your or to ~~his or her~~ your parent's country of residence or last habitual residence; and

USCIS must consent to the grant of special immigrant juvenile classification.

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the benefits sought. Matter of Brantigan, 11 I&N Dec. 493 (BIA 1966); Title 8 Code of Federal Regulations (8 CFR) 103.2(b)(1). You must demonstrate you can be classified as a Special Immigrant Juvenile.

#### **Statement of Facts and Analysis, Including Ground(s) for Denial**

USCIS received your Form I-360 on [[[[LETTER\_CASE\_RECEIPT\_DT]]].

XXX[[[INSERT IF APPLICABLE: On XXX[[[ ENTER RFE ISSUE DATE ]]]XXX USCIS issued a Request for Evidence, advising you that the evidence supporting the petition was insufficient to establish eligibility for the benefit sought and providing an opportunity to submit additional evidence.

You responded to the Request for Evidence on XXX[[[ ENTER RFE RESPONSE DATE ]]]XXX, and submitted the following documentation:

1. XXX[[[ ENTER RFE RESPONSE ITEMS IN BULLETED LIST FORMAT ]]]XXX ]]]XXX

XXX[[[INSERT IF APPLICABLE: On XXX[[[ENTER NOID ISSUE DATE]]]XXX USCIS issued you a Notice of Intent to Deny (NOID) You responded to the Notice of Intent to Deny on XXX[[[ ENTER NOID RESPONSE DATE ]]]XXX and submitted the following documentation:

- XXX[[[ ENTER NOID RESPONSE ITEMS IN BULLETED LIST FORMAT ]]]XXX ]]]XXX

INSERT STANDARD PARAGRAPH

XXX[[[ Add Analysis of all evidence and why it is insufficient, including Ground(s) for Denial. ]]]XXX

Based on a review of the record, USCIS finds that you have not met your burden of proof in demonstrating your petition should be approved. Therefore USCIS denies your Form I-360.

This decision will become final unless you appeal it by filing a completed Form I-290B, Notice of Appeal or Motion. You must send the Form I-290B and all required documents including the appropriate filing fee to the Chicago Lockbox, located at P.O. Box 805887, Chicago, IL 60680-4120.

The Form I-290B must be received within 30 days from the date of this decision. The decision is final if your appeal is not received within the time allowed.

If you or your attorney wishes to file a brief in support of your appeal, the brief must be submitted with your appeal. For the most current versions of USCIS forms, please visit <http://www.uscis.gov> or call toll-free 1-800- 870-3676 to request forms by mail.

If you need additional information, please visit the USCIS Web site at [www.uscis.gov](http://www.uscis.gov) or call our USCIS Contact Center toll free at 1-800-375-5283.

Sincerely,

[[[SIGNATURE]]]

[[[PAGEBREAK]]]



**4. I-360 Revocation Shell**

[[[Letterheader]]]

**NOTICE OF REVOCATION**

This letter serves as notice that U.S. Citizenship and Immigration Services (USCIS) revokes its previous approval of your Form I-360, Petition for Special Immigrant that you filed on XXX[[[Insert: DATE OF FILING]]]XXX and that was approved on XXX[[[Insert: DATE PETITION WAS APPROVED]]]XXX.

INSERT STANDARD PARAGRAPH

In visa petition proceedings, the petitioner has the burden of establishing eligibility for the benefit sought. *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966). You have failed to meet this burden; therefore, your Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, must be revoked.

If you wish to file a motion to reopen or a motion to reconsider this decision, you must file a Form I-290B with the appropriate fee within 33 days of the date of this notice. The requirements for a motion to reopen and a motion to reconsider can be found in 8 CFR 103.5(a)(2) and 8 CFR 103.5(a)(5). Form I-290B and the form instructions can be found on the USCIS website: [www.uscis.gov](http://www.uscis.gov).

Please return a copy of this letter with your appeal motion.

Sincerely,

Director

**5.) Notice of Intent to Revoke**

[[[LETTERHEADER]]]

Dear [[[LETTER\_BENEFICIARY\_FIRST\_NAME\_TX]]] [[[LETTER\_BENEFICIARY\_LAST\_NAME\_TX]]]:

United States Citizenship and Immigration Services (USCIS) hereby notifies you of its intent to revoke the approved Petition for Amerasian, Widow(er) or Special Immigrant Juvenile (Form I-360) that you filed on [[[LETTER\_CASE\_RECEIPT\_DT]]] for classification as a Special Immigrant Juvenile under section 101(a)(27)(J) of the Immigration and Nationality Act (INA). USCIS approved your Form I-360 on XXX InsertDateOfApproval XXX.

USCIS may, at any time, for good and sufficient cause, revoke the approval of any petition under section 204 of the INA. See INA 205.

USCIS may revoke the approval of a petition upon notice to the petitioner on any ground other than those specified in 8 CFR 205.1 when the necessity for the revocation comes to USCIS's attention. See 8 CFR 205.2. Good and sufficient cause exists when the evidence of record at the time the notice is issued, if unexplained and un rebutted, would warrant a denial of the visa petition based on the petitioner's failure to meet his burden of proof. Matter of Estime, 19 I&N Dec. 450, 452 (BIA 1987).

In Matter of Ho, 19 I&N Dec. 582,589 (BIA 1988), the Board held that in visa petition revocation proceedings the burden of proof rests with the petitioner to establish that the beneficiary qualifies for the benefit sought under the immigration laws. The Board also held that the district director's realization that he made an error in judgment in initially approving a visa petition may, in and of itself, be good and sufficient cause for revoking the approval, provided the district director's revised opinion is supported by the record. Matter of Estime, 19 I&N Dec. 450, 451 (BIA 1987).

USCIS has determined that your petition was approved in error because XXX [Insert explanation of reason for revocation, e.g. derogatory information obtained after the approval, insufficient evidence to establish eligibility, etc. ]XXX

Based in the foregoing , "good and sufficient cause" exists in the present case which supports the commencement of revocation proceedings.

In accordance with 8 C.F.R. 205.2, USCIS intends to revoke the petition approval. A final decision will not be made for thirty-three (33) days after service of this notice of intent to revoke. During that time, you may submit any evidence you wish considered in support of your petition and in opposition to the proposed revocation. Failure to respond to this notice will result in the revocation of the petition.

Send your response to:

U.S. Department of Homeland Security  
P.O. Box 25920  
Overland Park, KS 66225

You should include a copy of this notice with your response.

If you need additional information, please visit the USCIS Web site at [www.uscis.gov](http://www.uscis.gov) or call our USCIS Contact Center toll free at 1-800-375-5283.

Sincerely,

[[[SIGNATURE]]]

—

### **Legal Citations Related to Revocations**

#### INA 205

The Secretary of Homeland Security may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any petition approved by him under section 204. Such revocation shall be effective as of the date of approval of any such petition.

#### 8 CFR 205.1

(a) *Reasons for automatic revocation.* The approval of a petition or self-petition made under section 204 of the Act and in accordance with part 204 of this chapter is revoked as of the date of approval:

(1) If the Secretary of State shall terminate the registration of the beneficiary pursuant to the provisions of section 203(e) of the Act before October 1, 1991, or section 203(g) of the Act on or after October 1, 1994;

(2) [Reserved]

(3) If any of the following circumstances occur before the beneficiary's or self-petitioner's journey to the United States commences or, if the beneficiary or self-petitioner is an applicant for adjustment of status to that of a permanent resident, before the decision on his or her adjustment application becomes final:

(i) *Immediate relative and family-sponsored petitions, other than Amerasian petitions.* (A) Upon written notice of withdrawal filed by the petitioner or self-petitioner with any officer of the Service who is authorized to grant or deny petitions.

(B) Upon the death of the beneficiary or the self-petitioner.

(C) Upon the death of the petitioner, unless:

(1) The petition is deemed under 8 CFR 204.2(i)(1)(iv) to have been approved as a Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant under 8 CFR 204.2(b); or

(2) U.S. Citizenship and Immigration Services (USCIS) determines, as a matter of discretion exercised for humanitarian reasons in light of the facts of a particular case, that it is inappropriate to revoke the approval of the petition. USCIS may make this determination only if the principal beneficiary of the visa petition asks for reinstatement of the approval of the petition and establishes that a person related to the principal beneficiary in one of the ways described in section 213A(f)(5)(B) of the Act is willing and able to file an affidavit of support under 8 CFR part 213a as a substitute sponsor.

(D) Upon the legal termination of the marriage when a citizen or lawful permanent resident of the United States has petitioned to accord his or her spouse immediate relative or family-sponsored preference immigrant classification under section 201(b) or section 203(a)(2) of the Act. The approval of a spousal self-petition based on the relationship to an abusive citizen or lawful permanent resident of the United States filed under section 204(a)(1)(A)(iii) or 204(a)(1)(B)(ii) of the Act, however, will not be revoked solely because of the termination of the marriage to the abuser.

(E) Upon the remarriage of the spouse of an abusive citizen or lawful permanent resident of the United States when the spouse has self-petitioned under section 204(a)(1)(A)(iii) or 204(a)(1)(B)(ii) of the Act for immediate relative classification under section 201(b) of the Act or for preference classification under section 203(a)(2) of the Act.

(F) Upon a child reaching the age of 21, when he or she has been accorded immediate relative status under section 201(b) of the Act. A petition filed on behalf of a child under section 204(a)(1)(A)(i) of the Act or a self-petition filed by a child of an abusive United States citizen under section 204(a)(1)(A)(iv) of the Act, however, will remain valid for the duration of the relationship to accord preference status under section 203(a)(1) of the Act if the beneficiary remains unmarried, or to accord preference status under section 203(a)(3) of the Act if he or she marries.

(G) Upon the marriage of a child, when he or she has been accorded immediate relative status under section 201(b) of the Act. A petition filed on behalf of the child under section 204(a)(1)(A)(i) of the Act or a self-petition filed by a child of an abusive United States citizen under section 204(a)(1)(A)(iv) of the Act, however, will remain valid for the duration of the relationship to accord preference status under section 203(a)(3) of the Act if he or she marries.

(H) Upon the marriage of a person accorded preference status as a son or daughter of a United States citizen under section 203(a)(1) of the Act. A petition filed on behalf of the son or daughter, however, will remain valid for the duration of the relationship to accord preference status under section 203(a)(3) of the Act.

(I) Upon the marriage of a person accorded status as a son or daughter of a lawful permanent resident alien under section 203(a)(2) of the Act.

(J) Upon legal termination of the petitioner's status as an alien admitted for lawful permanent residence in the United States unless the petitioner became a United States citizen. The provisions of 8 CFR 204.2(i)(3) shall apply if the petitioner became a United States citizen.

(ii) *Petition for Pub. L. 97-359 Amerasian.* (A) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition.

(B) Upon the death of the beneficiary.

(C) Upon the death or bankruptcy of the sponsor who executed Form I-361, Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97-359 Amerasian. In that event, a new petition may be filed in the beneficiary's behalf with the documentary evidence relating to sponsorship and, in the case of a beneficiary under 18 years of age, placement. If the new petition is approved, it will be given the priority date of the previously approved petition.

(D) Upon the death or substitution of the petitioner if other than the beneficiary or sponsor. However, if the petitioner dies or no longer desires or is able to proceed with the petition, and another person 18 years

of age or older, an emancipated minor, or a corporation incorporated in the United States desires to be substituted for the deceased or original petitioner, a written request may be submitted to the Service or American consular office where the petition is located to reinstate the petition and restore the original priority date.

(E) Upon the beneficiary's reaching the age of 21 when the beneficiary has been accorded classification under section 201(b) of the Act. Provided that all requirements of section 204(f) of the Act continue to be met, however, the petition is to be considered valid for purposes of according the beneficiary preference classification under section 203(a)(1) of the Act if the beneficiary remains unmarried or under section 203(a)(3) if the beneficiary marries.

(F) Upon the beneficiary's marriage when the beneficiary has been accorded classification under section 201(b) or section 203(a)(1) of the Act. Provided that all requirements of section 204(f) of the Act continue to be met, however, the petition is to be considered valid for purposes of according the beneficiary preference classification under section 203(a)(3) of the Act.

(iii) *Petitions under section 203(b), other than special immigrant juvenile petitions.* (A) Upon invalidation pursuant to 20 CFR Part 656 of the labor certification in support of the petition.

(B) Upon the death of the petitioner or beneficiary.

(C) In employment-based preference cases, upon written notice of withdrawal filed by the petitioner to any officer of USCIS who is authorized to grant or deny petitions, where the withdrawal is filed less than 180 days after approval of the employment-based preference petition, unless an associated adjustment of status application has been pending for 180 days or more. A petition that is withdrawn 180 days or more after its approval, or 180 days or more after the associated adjustment of status application has been filed, remains approved unless its approval is revoked on other grounds. If an employment-based petition on behalf of an alien is withdrawn, the job offer of the petitioning employer is rescinded and the alien must obtain a new employment-based preference petition in order to seek adjustment of status or issuance of an immigrant visa as an employment-based immigrant, unless eligible for adjustment of status under section 204(j) of the Act and in accordance with 8 CFR 245.25.

(D) Upon termination of the petitioning employer's business less than 180 days after petition approval under section 203(b)(1)(B), 203(b)(1)(C), 203(b)(2), or 203(b)(3) of the Act, unless an associated adjustment of status application has been pending for 180 days or more. If a petitioning employer's business terminates 180 days or more after petition approval, or 180 days or more after an associated adjustment of status application has been filed, the petition remains approved unless its approval is revoked on other grounds. If a petitioning employer's business terminates the job offer of the petitioning employer is rescinded and the beneficiary must obtain a new employment-based preference petition on his or her behalf in order to seek adjustment of status or issuance of an immigrant visa as an employment-based immigrant, unless eligible for adjustment of status under section 204(j) of the Act and in accordance with 8 CFR 245.25.

(iv) *Special immigrant juvenile petitions.* Unless the beneficiary met all of the eligibility requirements as of November 29, 1990, and the petition requirements as of November 29, 1990, and the petition for classification as a special immigrant juvenile was filed before June 1, 1994, or unless the change in circumstances resulted from the beneficiary's adoption or placement in a guardianship situation:

(A) ~~Upon the beneficiary reaching the age of 21;~~

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(B) Upon the marriage of the beneficiary;

(C) Upon the termination of the beneficiary's dependency upon the juvenile court;

(D) Upon the termination of the beneficiary's eligibility for long-term foster care; or

(E) Upon the determination in administrative or judicial proceedings that it is in the beneficiary's best interest to be returned to the country of nationality or last habitual residence of the beneficiary or of his or her parent or parents.

(b) *Notice.* When it shall appear to the director that the approval of a petition has been automatically revoked, he or she shall cause a notice of such revocation to be sent promptly to the consular office having jurisdiction over the visa application and a copy of such notice to be mailed to the petitioner's last known address.

**I-360 PARAGRAPHS:**

**RFE - G-28 Part 2 Number 1.b – Blank**

The Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, did not list the form numbers being filed on Page 1, Part 2, Item 1.b. and is therefore unacceptable. Please submit a properly completed and signed G-28, with original signatures by you and your attorney or accredited representative.

**RFE - G-28 not signed (In ECHO)**

The Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, Page 3, Part 4, Item 3.a. was not signed by the petitioner, and is unacceptable.

The Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, you provided is unacceptable because it was not properly signed by the applicant and the attorney or accredited representative. Photocopies, stamped signatures, electronic signatures, or typewritten names in place of signatures are not acceptable. Please submit a properly completed G-28 with your original signature and the original signature of your attorney.

**RFE - Withdrawal Signature (In ECHO)**

USCIS has received a request to withdraw Form I-360 from the attorney of record on XXX, in response to the Request for Evidence, dated XXX. However, the request to withdraw the Form I-360 requires a written and signed request from the petitioner, XXX. Please provide a written request of withdrawal with the petitioner's original signature.

**RFE - DOB Discrepancy (In ECHO)**

USCIS records indicate that you were born on XXX USCIS DOB XXX. You indicated on XXX DocumentWhereNewDOBClaimed XXX that you were born on XXX ClaimedDOB XXX. Please submit documentary evidence to establish your true date of birth. Such evidence may include a timely-registered birth certificate issued by the appropriate civil authorities, passport, government-issued identification card showing name and date of birth, and/or secondary evidence such as baptismal certificate or school records, which in the discretion of USCIS establishes your age.

**RFE - Name Change (In ECHO)**

You have submitted documents XXXDocumentsXXX that reference two different names. Submit documentary evidence showing that XXX Name One XXX and XXX Name Two XXX are the same person. Documentary evidence of a name change may include, but is not limited to, a birth certificate, adoption decree, marriage certificate, divorce decree, death certificate (of the spouse whose name you used), court-ordered legal name change petition, or other legal document. Acceptable evidence must show that the event was registered with the appropriate civil authority.

**RFE - No English Translation (In ECHO)**

You submitted XXX Description of Foreign Document(s) Submitted XXX without the English translation. Please submit the English translation. The translator must certify that the translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

**RFE - No Foreign Document (In ECHO)**

You submitted the English translation for XXX Description of English Translations Submitted XXX without the foreign language document. Please submit a legible copy of XXX Description of Foreign Documents Needed XXX in its original language from which the translation was taken.

**RFE - Partial English Translation (In ECHO)**

You submitted only a partial or abstract English translation of XXX Description of English Translation Submitted XXX. Please submit a complete English translation of the document. The translator must certify that the translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

**RFE - Proof of Age (In ECHO)**

Please provide evidence of your age. Such evidence can include: a timely-registered birth certificate issued by the appropriate civil authorities, passport, government-issued identification card showing name and date of birth, or secondary evidence such as a baptismal certificate or school records, which in the discretion of USCIS establishes your age.

**RFE – Proof of Age – India**

Please provide evidence of your age. Such evidence can include: a timely-registered birth certificate issued by the appropriate civil authorities, passport, government-issued identification card showing name and date of birth, or secondary evidence such as, school-leaving certificate, matriculation certificate or Certificate of Recognized Boards from the school last attended by the applicant; or, a baptismal certificate from a church.

**RFE - Proof of Age Insufficient (In ECHO)**

As proof of age, you have submitted XXX Description of Proof of Age Evidence Submitted XXX. This evidence is insufficient because XXX Synopsis of Why Submitted Documents are Insufficient XXX.

Please provide evidence of your age. Such evidence can include: a timely-registered birth certificate issued by the appropriate civil authorities, passport, government-issued identification card showing name and date of birth, or secondary evidence such as a baptismal certificate or school records, which in the discretion of USCIS establishes your age.

**RFE - Signature Unacceptable (In ECHO)**

The Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, you provided is unacceptable because it was not properly signed by the petitioner. The petitioner must sign the Form I-360 in Part 11 on page 15. USCIS policy also requires petitioners to sign Form I-360 based on age:



- If **age 14 or older**, the petitioner must sign their own Form I-360. A parent, legal guardian or other party may not sign for the petitioner. However, a legal guardian may sign for a mentally incompetent person.
- If **under age 14**, the petitioner or their parent or legal guardian may sign Form I-360.

Please sign and return the enclosed signature page of Form I-360.

**RFE - ORR/HHS Custody**

You indicated on your Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, Page 9, Part 8, Item 6A, that you are currently or were previously in the custody of the Office of Refugee Resettlement (ORR) under U.S. Department of Health and Human Services (HHS) and XXXyou left the item blank about whether the court changed your custody from ORRXXX or XXXyou indicated that the juvenile court did change your custody from ORRXXX.

Please provide one of the following:

- 1) Evidence that you were released from HHS custody prior to issuance of your juvenile court order;
- 2) Evidence that the juvenile court did not change your custody from ORR; or
- 3) Evidence that you received consent from HHS for the juvenile court to change your custody from ORR.

**RFE – Part 8 Item 3.A- Not Living in Court Ordered Placement**

On Part 8 of your petition, you answered “No” to Item Number 3.A., “Are you currently residing in your court-ordered placement?” However, you did not provide an explanation to the reason why you are no longer living in your court-ordered placement.

Please provide an explanation for why you are no longer living in your court-ordered placement.

Please note, if you are no longer living in your court ordered placement, please provide evidence that you are still under the jurisdiction of the court that issued your order or submit a new court order that establishes you are dependent on a juvenile court in the United States or under the custody of, an agency, department of a state, or an individual or entity appointed by the court.

**RFE - Court Order Missing Elements (In ECHO “Court / Admin Documents)**

You have provided USCIS with a copy of XXX Description of Documents Submitted XXX from the State of XXX STATE XXX. This document is insufficient because it does not show XXX that you are dependent on the court or under custody of an agency or department of the state, or an individual entity appointed by the court OR that reunification with one or both parents is not viable due to abuse, abandonment or neglect OR that it would not be in your best interest to be returned to your country of nationality or last habitual residence XXX.

Please provide a copy of a juvenile court order declaring that: 1) you are dependent on the court or under custody of an agency or department of the state, or an individual entity appointed by the court; 2) reunification with one or both of your parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law; and 3) it would not be in your best interest to be returned to your or your parent’s country of nationality or last habitual residence.

**RFE - Insufficient Factual Basis: AAN/ Reunification / Best Interests (In ECHO- Court / Admin Insufficient Requirements)**

You have provided USCIS with a copy of XXX[ Description of Submitted Documents ]XXX from the State of XXX[ STATE ]XXX. The court order found that reunification with your XXX[ Enter Person: mother/father/parent's ]XXX was not viable due to XXX[ abuse/neglect/ and/or abandonment ]XXX;  
~~However, the court order did not provide the factual basis for court's findings XXX[Choose all applicable: when making the abuse/neglect/ and/or abandonment ruling AND/OR or explain why you could not be reunified with one or both of your parents due abuse/neglect/ and/or abandonment AND/OR The court order found that it would not be in your best interest to return to XXX[[[ Enter Country ]]]XXX; however, the court order did not provide the factual basis for the court's findings or explain why it would not be in your best interest to return to XXX[[[ Enter Country ]]]XXX.~~

Per the USCIS Policy Manual: *If a petitioner does not submit a court order that includes a factual basis for all of the required findings, USCIS may request evidence of the factual basis for the court's findings. USCIS does not require specific documents to establish the factual basis or the entire record considered by the court. However, the burden is on the petitioner to provide the factual basis for the court's findings.*

Please provide USCIS with documentation to establish a reasonable factual basis for the court's findings. Examples of acceptable documentation include, but are not limited to:

- Any supporting documents submitted to the juvenile court, if available;
- The petition or complaint for dependency or custody or other documents which initiated the juvenile court proceedings;
- Affidavits summarizing the evidence presented to the court or records from the judicial proceedings; and
- Affidavits or records that were not presented to the court but are consistent with the findings made by the court.

(b)(6)

**RFE - General Legal Basis- Under State Law (In ECHO- Court / Admin Insufficient No Basis)**

You have provided USCIS with a copy of XXX Insert ~~Order Number~~ Name of Order XXX dated XXX Insert Date of Order XXX, from the State of XXX Insert State XXX. This document is insufficient because it is unclear ~~if the Court~~ which state laws the Court relied upon state law in when reaching its findings. The ~~Order~~ Order cites to provisions of the XXX[ Insert what provisions of law of INA/CFR were cited ]XXX. Please provide evidence ~~the order was issued in accordance with relevant state law to show which state laws were the basis for issuing the legal ruling in the order.~~

**Comment:**  Is this paragraph only used when the order solely cites to immigration law or is it used in orders where there is both state and federal immigration law cited?

The juvenile court order (or orders) must provide the required ~~findings-rulings~~ regarding dependency or custody, parental reunification, and best interests. These ~~findings-rulings~~ may be made in a single juvenile court order or in separate juvenile court orders. The order (or orders) should use language establishing that the specific ~~findings-ruling~~ (conclusions of law) were made under state law. The order (or orders) should not just mirror or cite to immigration law and regulations. The juvenile court order may use different legal terms than those found in the INA as long as the findings have the same meaning as the requirements for SIJ classification. Template orders that simply recite the immigration statute or regulatory language are generally not sufficient.

**RFE - Maryland Abuse Abandonment Neglect Under Age 18**

You have provided USCIS with a copy of your XXX[ NAME OF DOCUMENT / ORDER ]XXX from the state of Maryland. Your XXX[ BIRTH CERTIFICATE / OTHER AGE DOCUMENT ]XXX indicates you were born on XXX[ DOB ]XXX. The state court issued your XXX[ NAME OF DOCUMENT / ORDER ]XXX on XXX[ INSERT DATE COURT ORDER WAS ISSUED ]XXX, when you were XXX[ INSERT AGE ]XXX years old.

The court order found that reunification with your XXX[ MOTHER / FATHER / PARENTS ]XXX was not viable due to XXX[ ABUSE / NEGLECT / ABANDONMENT ]XXX. Although the court order found that reunification with one or both of your parents was not viable due to abuse, neglect, or abandonment, the court order did not indicate when the abuse, neglect, or abandonment occurred. According to Maryland Code, Family Law § 1-201(b)(10), a motion for Special Immigrant Juvenile factual findings must include the determination that a child was abused, neglected, or abandoned before the age of 18 years. The court order you submitted does not indicate that the abuse, neglect, or abandonment occurred prior to the age of 18.

Please provide evidence that the court's findings of abuse, neglect, or abandonment regarding the non-viability of parental reunification occurred prior to the age of 18. Examples of acceptable documentation could include, but are not limited to:

- Court transcripts from the juvenile court proceedings and any supporting documents submitted to the juvenile court, if available;
- The petition for dependency or complaint for custody or other documents which initiated the juvenile court proceedings; or
- Affidavits or records that were not presented to the court but are based on personal knowledge of the court proceedings.

#### RFE - Order Insufficient – Not Juvenile Court (In ECHO)

You have provided USCIS with a copy of XXX[ ORDER ]XXX dated XXX[ DATE ]XXX, from the State of XXX[ STATE ]XXX.

~~Per 101(a)(27)(J), 8 CFR 204.11(a), 8 CFR 204.11(d)(2) and the USCIS Policy Manual Volume 6 Part J Chapter 2D states:~~

*A juvenile court is defined as a U.S. court having jurisdiction under state law to make judicial determinations about the custody and care of juveniles. The juvenile court order must have been properly issued under state law to be valid for the purposes of establishing eligibility for SIJ classification. This includes the need for the juvenile court to follow their state laws on jurisdiction.*

(b)(6)

**Commented:** [redacted]: I wonder if we could remove this since this is an RFE paragraph.

~~The court order you submitted does not appear to be issued by a juvenile court because XXX[ ADD EXPLANATION ]XXX. Please provide evidence that the court order you submitted was issued by a juvenile court with jurisdiction over your care and custody as a juvenile under the state law of XXX[ state order was issued in STATE ]XXX.~~

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#### RFE - Order Insufficient – Guardian Without Custody (In ECHO)

You have provided USCIS with a copy of an order appointing XXX[ GUARDIAN NAME ]XXX as your guardian. Guardianship This does not is not always equal to custody, and the guardianship order you submitted does not establish that you have been placed under the custody of XXX[ GUARDIAN NAME ]XXX.

(b)(6)

Per 101(a)(27)(J) and the USCIS Policy Manual Volume 6 Part J Chapter 2D: *Placing the petitioner "under the custody of" an individual requires that person to be given physical custody.*

Commented [redacted]: I don't think we need the citation for an RFE.

Please provide evidence that you have been placed under the custody of an individual.

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**RFE - Placement Supervision for Dependency**

The SIJ order finds you to be dependent on the court, but does not indicate placement, or supervision, or services in connection with the finding of dependency. Please provide information about the court's placement, or supervision, or services in connection with the finding of dependency.

**RFE - No Court Order Submitted**

You have not provided a court order from a juvenile court with the required SIJ findings. Please provide a copy of a juvenile court order declaring that: 1) you are dependent on the court or under the custody of an agency or department of the state, or an individual entity appointed by the court; 2) reunification with one or both of your parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law; and 3) it would not be in your best interest to be returned to your or your parent's country of nationality or last habitual residence.

**RFE- Death as a Similar Basis**

You have provided USCIS with a copy of XXX[INSERT TITLE OF COURT ORDER]XXX dated XXX[INSERT DATE COURT ORDER WAS ISSUED]XXX, from the State of XXX[INSERT U.S. STATE]XXX. This document is insufficient because it is unclear if the court relied upon which state laws the court relied on when in reaching its findings regarding abuse, abandonment or neglect. XXX[ADD IF APPROPRIATE: The order cites to 8 U.S.C. § 1101(a)(27)(J) / 8 C.F.R. 204.11, without reference to state law.]XXX The order indicates that your a parent's death is a similar basis to abuse, neglect, or abandonment under state law, but it does not establish explain or provide any analysis as to how that the event of death is indeed similar to the nature and elements of laws on abuse, neglect, or abandonment.

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Commented [redacted]: I wonder if we need this here. It seem that if we need to reference the lack of state law references, then we could choose that paragraph along with this one to cover both.

The language of the order may vary based on individual state child welfare laws. If a juvenile court order makes the findings based upon a state law similar to abuse, neglect, or abandonment, the petitioner must establish that the nature and elements of the state law are indeed similar to the nature and elements of laws on abuse, neglect, or abandonment. Petitioners are encouraged to submit the juvenile court's findings of how the basis is similar to abuse, neglect, or abandonment and copies of the relevant laws.

(b)(6)

Please provide a copy of a juvenile court order that shows which state laws the establishes the Court relied on when it determined that death is a similar basis to abuse, abandonment, or neglect. 's conclusions of law derive from relevant state law(s) and does not mirror or cite federal immigration law and/or regulations. Alternatively, provide any additional evidence or supporting documents contained in the court record that specifically demonstrate which state laws the juvenile Court's findings were based upon state law.

(b)(6)

Commented [redacted]: I tried to re-frame this like we did in the training. It is not that we think the state isn't following its own laws, but more that we need to know what state laws they used to make their determinations.

**RFE - TX LACK OF QUALIFYING DEPENDENCY OR CUSTODY DETERMINATION**

The state court order you submitted states that: XXX[ Insert specific language used in the order on: care / custody / dependency placement ]XXX

An SIJ must be declared dependent upon a juvenile court, or be legally committed to, or placed under the custody of a state agency or department, or of an individual or entity appointed by a state or juvenile court. ~~See Section INA 101(a)(27)(J)(i) of the Act;~~ 6 USCIS Policy Manual, J.2(D). A juvenile court's dependency declaration must be made in accordance with state law governing such declarations, and "must in some way address custody, or at least supervision." *Budhathoki v. Nielsen*, 898 F.3d 504, 506 (5th Cir. 2018); 8 C.F.R. § 204.11(c)(3). While USCIS cannot decide issues of child welfare under state law, USCIS must still determine whether a state court order meets the statutory and regulatory requirements for SIJ classification. See 6 USCIS Policy Manual, J.2(A), (D). Here, there is no indication that the court declared you dependent or made any determination regarding your custody under any provision of Texas law governing juvenile dependency or child custody.

XXX[Insert if no state statute on dependency cited: The order does not cite any state law under which the dependency determination was made, and the record does not show if over AOM: the court had jurisdiction over your custody as a child under Texas law ~~if not over~~under AOM: the court placed you under the custody of an individual or entity in accordance with Texas law. ] XXX

XXX[Insert if references made to TX law are insufficient for demonstrating dependency: The referenced statutes are concerned with XXX, and do not reference dependency. Further, the record does not show if over AOM: the court had jurisdiction over your custody as a child under Texas law ~~OR if not over~~under AOM: the court placed you under the custody of an individual or entity in accordance with Texas law. ] XXX

XXX[Insert if in /previously in ORR custody: According to USCIS records, you were released from the Office of Refugee Resettlement (ORR) custody at the age of INSERT AGE OR you remain in ORR custody. Custody with ORR, a federal entity, ~~does not qualify as a valid~~is not a placement as an SIJ state court custody determination. To be eligible for SIJ classification you SIJ must be separately declared dependent upon a juvenile court, or be legally committed to, or placed under the custody of a state agency or department, or of an individual or entity appointed by a state or juvenile court. INA101(a)(27)(J)(i); 6 USCIS Policy Manual, J.2(D). An order of dependency providing for continued placement in an ORR facility by the juvenile court may be sufficient and should be expressly stated in the juvenile court order. ]XXX

(b)(6)

Please provide evidence you have been declared dependent upon a juvenile court, or been legally committed to, or placed under the custody of a state agency or department, or of an individual or entity appointed by a state or juvenile court.

Comment: [redacted] : Perhaps snippets would be easier.  
Comment: [redacted] : I tried to clarify this some. I think we should avoid saying that ORR is not a valid placement. Since a court could allow continued placement with the ORR facility.

**NOID and Denial Standard Paragraphs**

**NOID/Denial - Over Age 21 at Filing**

In order to be eligible for Special Immigrant Juvenile status, you must have been **under the age of 21** at the time you filed your Form I-360. See 8 CFR 204.11(c)(1).

~~Based on the evidence you provided, as well as USCIS records, your date of birth is XXXX [INSERT Date of Birth] XXXX. After review of your Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, Receipt No. MSCXXX, with a receipt date of XXX, it appears we determined that you were not under the over the age of 21 at the time of filing you filed your petition. Based on the evidence you provided as well as USCIS records, your date of birth is XXXX; therefore, it has been determined that you were 21 years old at the time of filing your Form I-360 you are ineligible for SIJ classification.~~

*8 CFR 103.2(a)(7) Benefit requests submitted. (i) USCIS will consider a benefit request received and will record the receipt date as of the actual date of receipt at the location designated for filing such benefit request whether electronically or in paper format; and*

*8 CFR 204.1(b) Proper filing. A petition for alien relative and a petition for Amerasian, widow(er), or special immigrant must be filed on the form prescribed by USCIS in accordance with the form instructions, and will be considered properly filed when the petition is filed in accordance with 8 CFR 103.2. The filing date of a petition is the date it is properly filed and received by USCIS. That date will constitute the priority date.*

(b)(6)

XXXX[[[Add Analysis of all evidence and why it is insufficient, including Ground(s) for Denial. ]]]XXXX

**Commented**  I am wondering if we can include this at the bottom with the other legal citations.

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Generally, an applicant may qualify as a Special Immigrant Juvenile if the applicant:

- Is present in the United States;
- **Is unmarried and under 21 years of age;**
- Has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States;
- Has been the subject of a determination by a juvenile court in the United States that reunification with one or both of the juvenile's parents is not viable due to abuse, neglect, abandonment, or a similar basis under State law; and
- Has been the subject of administrative or judicial proceedings that has determined that it would not be in the juvenile's best interest to be returned to the juvenile's or his or her parent's previous country of nationality or country of last habitual residence.

In order to be eligible for Special Immigrant Juvenile status, the applicant must be **under the age of 21** at the time of filing Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant. See 8 CFR 204.11(c)(1).

**NOID/Denial - Not Present in the U.S.**

In order to be eligible for SIJ status, you must be present in the United States at the time of filing and through adjudication of Form I-360. USCIS received your Form I-360 on [[[LETTER\_CASE\_RECEIPT\_DT]]], receipt number xxx, filed on xxxx. A review of government

records indicates that you departed the U.S. on ~~XXX[INSERT DATE DEPARTED THE U.S.]XXX~~ate, after the date you filed your Form I-360 petition. There is no record that you have re-entered the U.S. Since you are no longer in the U.S. you are not eligible to be classified as an SIJ.

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~~XXX[[ Add Analysis of all evidence and why it is insufficient, including Ground(s) for Denial. ]]]XXX~~

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Generally, an applicant may qualify as a Special Immigrant Juvenile if the applicant:

- ~~Is present in the United States;~~
- ~~Is unmarried and under 21 years of age;~~
- ~~Has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States;~~
- ~~Has been the subject of a determination by a juvenile court in the United States that reunification with one or both of the juvenile's parents is not viable due to abuse, neglect, abandonment, or a similar basis under State law; and~~
- ~~Has been the subject of administrative or judicial proceedings that has determined that it would not be in the juvenile's best interest to be returned to the juvenile's or his or her parent's previous country of nationality or country of last habitual residence.~~

(b)(6)

~~In order to be eligible for Special Immigrant Juvenile status, the applicant must be present in the United States at the time of filing and through adjudication of Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant.~~

#### **NOID/Denial - Temporary Order**

Court-ordered dependency or custodial placements that are intended to be temporary do not qualify for the purpose of establishing eligibility for SIJ classification. See 101(a)(27)(J) and 8 CFR 204.11(c)(5). A court-appointed custodian that is acting as a temporary guardian or caretaker of a child, taking on all or some of the responsibilities of a parent is not considered a custodian for purposes of establishing SIJ eligibility.

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Commented [redacted]: I wonder if we want to explain or use a different term. I think we are concerned about custodial placements that do not contain final findings regarding AAN, reunification, and best interests. So, we are concerned about orders where the judge removes the child temporarily so that they can protect the child and give additional time to decide what is in the child's best interest and what services are needed or situations where the parents are only going away for a short period of time and need to give someone parental decision making powers in their absence (in loco parentis).

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The ORDER you submitted indicates that ~~XXX[INSERT TEMPORARY LANGUAGE FROM THE COURT ORDER] the custodial placement is temporaryXXX and /OR that XXX the child temporarily cannot reunify with one or both parents due to abuse, abandonment or neglect.XXX and /or OR XXX that the order is in effect until the child reaches age 18 or until his/her adjustment of status to permanent residence. Special Immigrant Juvenile Status process is completed, whichever comes first[XXX. Per 101(a)(27)(J) and 8 CFR 204.11(c)(5) Court-ordered dependency or custodial placements that are intended to be temporary do not qualify for the purpose of establishing eligibility for Special Immigrant Juvenile (SIJ) classification. USCIS generally requires that the court order be valid at the time of filing and must determine that the court intends that the child will not reunify with at least one parent until the child reaches the age of majority. The court-appointed custodian that is acting as a temporary guardian or caretaker of a child, taking on all or some of the responsibilities of a parent is not considered a custodian for purposes of establishing SIJ eligibility. XXX[INSERT ANALYSIS OF WHY YOU THINK THE COURT ORDER IS TEMPORARY ]XXX~~

Commented [redacted]: I am not sure we want to put this under this paragraph. This might speak more to the underlying reason the order was issued rather than the temporary nature of the order. If a judge terminates services/custody prior to a child reaching the age of majority, then it makes me wonder how necessary the protections are.

Commented [redacted]: Perhaps it would be better for the officer to cite from the order rather than provide standard language.

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Commented [redacted]: I wonder if we want to explain or use a different term. I think we are concerned about custodial placements that do not contain final findings regarding AAN, reunification, and best interests. So, we are concerned about orders where the judge removes the child temporarily so that they can protect the child and give additional time to decide what is in the child's best interest and what services are needed or situations where the parents are only going away for a short period of time and need to give someone parental decision making powers in their absence (in loco parentis).

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~~XXX[[ Add Analysis of all evidence and why it is insufficient, including Ground(s) for Denial. ]]]XXX~~

(b)(6)

**NOID/Denial- Over age of majority – FINAL CLEARED (In ECHO)**

XXX[[[ Insert Procedural History- if needed]]]XXX

Along with your Form I-360, you provided a XXX[[[ NAME of DOCUMENT / ORDER]]]XXX from the XXX[[[COURT]]]XXX. Your [[[BIRTH CERT / OTHER AGE DOCUMENT]]] indicates you were born on [[[DOB]]]. The state court issued XXX[[[NAME of DOCUMENT / ORDER]]]XXX on XXX[[[Insert DATE COURT ORDER WAS ISSUED]]]XXX when you were XXX[[[Insert AGE OF PETITIONER]]]XXX years old. The age of majority in XXX[[[Insert STATE]]]XXX is XXX[[[Insert AGE]]]XXX.

Therefore, you attained the age of majority on or before the date the state court order was issued.

The state court order you submitted states that: XXX[[[Insert specific language used in the order on: jurisdiction, age, care / custody / dependency placement, reunification, abuse, abandonment, neglect, best interests]]]XXX

To be eligible for Special Immigrant Juvenile (SIJ) classification, a juvenile court must have determined that reunification with one or both of your parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law. *See* INA § 101(a)(27)(J)(i). The determination is a legal conclusion made by a juvenile court under relevant state laws that you cannot reunify with one or both parents before aging out of the court's jurisdiction. *See* INA § 101(a)(27)(J)(i); 8 CFR 204.11(a) (definitions of juvenile court and eligible for long-term foster care). In order for a court to determine that parental reunification is not viable, the court must have jurisdiction over your custody and care as a juvenile under state law. Therefore, you must establish that the court issuing the order had the authority to determine whether the allegedly unfit parent should regain or lose custody of you. *See* 8 CFR 204.11(a) and 8 CFR 204.11(d)(2)(ii). Otherwise, the juvenile court order is not valid for the purpose of establishing your eligibility for SIJ classification.

While you have presented evidence that a court has XXX[[[Insert: found you dependent on the court OR placed you in a guardianship with your consent]]]XXX, the evidence you submitted does not establish that the state court had jurisdiction under state law to make a legal conclusion about returning you to your parent(s)' custody.

XXX[[[Insert: Although the court order you submitted does contain the same language on reunification as section 101(a)(27)(J) of the INA, mirroring or citing to federal immigration law is not sufficient. You must provide evidence that the court's rulings were issued according to the relevant state law and are sufficient for establishing eligibility for SIJ classification. XXX

XXX[[[Insert ONLY if the findings presented are factual rather than legal conclusions : The court order provided the following factual determinations regarding reunification: XXX[[[Insert: brief description of factual basis in court order.]]]XXX The language in the order appears to be a factual determination that reunification was not practical rather than a legal conclusion under the relevant state child welfare law that you cannot reunify with one or both of your parent(s). ]]]XXX

XXX[ INSERT other legal issues, as needed. ]XXX

**NOID/Denial - TX OVER AGE OF MAJORITY- NOT ACTING AS JUVENILE COURT**



Along with your Form I-360, you provided a XXX[[[ NAME of DOCUMENT / ORDER]]]XXX from the XXX[[[COURT]]]XXX. Your [[[BIRTH CERT / OTHER AGE DOCUMENT]]] indicates you were born on [[[DOB]]]. The state court issued XXX[[[NAME of DOCUMENT / ORDER]]]XXX on XXX[[[Insert DATE COURT ORDER WAS ISSUED]]]XXX when you were XXX[[[Insert AGE OF PETITIONER]]]XXX years old.

(b)(6)

The court's order was not issued pursuant to the court's jurisdiction over you as a juvenile because Texas law defines a child as under the age of 18, and you were over 18 when the court issued its order. To be eligible for SIJ classification, you must have been subject to an order containing the requisite determinations issued by a "juvenile court." ~~Section INA 101(a)(27)(J)(i) of the Act~~; see 8 C.F.R. § 204.11(c)-(d). A "juvenile court" is defined as a court "having jurisdiction under State law to make judicial determinations about the custody and care of juveniles." See 8 C.F.R. § 204.11(a). While the specific title and type of court may vary from state to state, the record must establish that the court had ~~competent jurisdiction~~ the power and authority under state law to make the required determinations about the care and custody of the petitioner as a juvenile, including whether parental reunification is viable. See 8 C.F.R. § 204.11(a), (d)(2); 6 USCIS Policy Manual, J.2(D)(4), J.3(A)(1). State law is, therefore, controlling on the definition of a juvenile or child within the states' child welfare provisions, and here, there is no evidence that the court had jurisdiction over you as a juvenile under Texas law.

**Commented**  Would it be helpful to add a line that says:

"Additionally, you have not provided any evidence that you were under the court's jurisdiction prior to the age of 18, and that the court had continuing jurisdiction of you as a juvenile."

XXX[[[ Add Analysis of all evidence and why it is insufficient, including Ground(s) for Denial. ]]]XXX

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#### **NOID/Denial - TX LACK OF QUALIFYING DEPENDENCY OR CUSTODY DETERMINATION**

The state court order you submitted states that: XXX[[[Insert specific language used in the order on: care / custody / dependency placement]]]XXX

An SIJ must be declared dependent upon a juvenile court, or be legally committed to, or placed under the custody of a state agency or department, or of an individual or entity appointed by a state or juvenile court. ~~Section INA 101(a)(27)(J)(i) of the Act~~; 6 USCIS Policy Manual, J.2(D). A juvenile court's dependency declaration must be made in accordance with state law governing such declarations, and "must in some way address custody, or at least supervision." *Budhathoki v. Nielsen*, 898 F.3d 504, 506 (5th Cir. 2018); 8 C.F.R. § 204.11(c)(3). While USCIS cannot decide issues of child welfare under state law, USCIS must still determine whether a state court order meets the statutory and regulatory requirements for SIJ classification. 6 USCIS Policy Manual, J.2(A), (D). Here, there is no indication that the court declared you dependent or made any determination regarding your custody under any provision of Texas law governing juvenile dependency or child custody.

XXX[[[Insert if no state statute on dependency cited: The order does not cite any state law under which the dependency determination was made, and the record does not show [if over AOM: the court had jurisdiction over your custody as a child under Texas law][if not over AOM: the court placed you under the custody of an individual or entity in accordance with Texas law. ]]] XXX

XXX[[[Insert if references made to TX law that are insufficient for demonstrating dependency: The referenced statutes are concerned with [insert issue], and do not reference dependency. Further, the record does not show [if over AOM: the court had jurisdiction over your custody as a child under Texas law][if not over AOM: the court placed you under the custody of an individual or entity in accordance with Texas law. ]]] XXX

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XXX[[[Insert if in /previously in ORR custody: According to USCIS records you were released from the Office of Refugee Resettlement (ORR) custody at the age of [Insert age] OR you remain in ORR custody. Custody with ORR, a federal entity, does not qualify as a valid placement as an SIJ. SIJ must be declared dependent upon a juvenile court, or be legally committed to, or placed under the custody of a state agency or department, or of an individual or entity appointed by a state or juvenile court. Section INA 101(a)(27)(J)(i) of the Act; 6 USCIS Policy Manual, J.2(D).]]]XXX

**Commented** [redacted] I am not sure this is what we want to say here. Maybe it would be more accurate to say, "...does not qualify as a valid placement unless a court declares the SIJ dependent on the court and specifically indicates that the child is to remain in the ORR contracted facility."

XXX[[[Add Analysis of all evidence and why it is insufficient, including Ground(s) for Denial. ]]]XXX

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**NOID/Denial - TX DECLARATORY JUDGEMENTS ARE NOT EFFECTIVE FOR PLACEMENT / DEPENDENCY**

The state court order you submitted was issued as a declaratory judgment under The Texas Uniform Declaratory Judgements Act (TUDJA). The TUDJA applies broadly to any person "whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise," and permits that person to "have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise." Tex. Civ. Prac. & Rem. Code Ann. § 37.004. However, the TUDJA only provides Texas courts with the authority to declare a person's rights or status on matters within the courts' jurisdiction, without providing for any enforcement. Tex. Civ. Prac. & Rem. Code Ann. § 37.003(a).

USCIS does not question the state courts' authority to issue declaratory judgments or orders of dependency under state law, but USCIS must determine whether the state court orders meet the federal statutory and regulatory requirements of SIJ classification, and the court order must be subject to enforcement by the court in order to be considered. Here there is no indication that the court declared you dependent or made any determination regarding your custody under any enforceable provision of Texas law governing juvenile dependency or child custody.

XXX[[[Add Analysis of all evidence and why it is insufficient, including Ground(s) for Denial. ]]]XXX

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**NOID/Denial - TX NO EFFECTIVE REUNIFICATION FINDING FOR OVER AGE OF MAJORITY AND / OR FOR DECLARATORY JUDGEMENTS**

To be eligible for Special Immigrant Juvenile (SIJ) classification, a juvenile court must have determined that reunification with one or both of your parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law. See INA § 101(a)(27)(J)(i). The determination is a legal conclusion made by a juvenile court under relevant state laws that you cannot reunify with one or both parents before aging out of the court's jurisdiction. See INA § 101(a)(27)(J)(i); 8 CFR 204.11(a). In order for a court to determine that parental reunification is not viable, the court must have jurisdiction over your custody and care as a juvenile under state law.

XXX[[[Insert for over AOM: A juvenile court generally loses jurisdiction over you once you reach the age of majority. Because you reached the age of majority on or before the date of the court order you submitted, it does not establish that the court issuing the order had the authority to determine whether your parent should regain or lose custody of you. See 8 CFR 204.11(a) and 8 CFR 204.11(d)(2)(ii). Therefore, the juvenile court order is not valid for the purpose of establishing your eligibility for SIJ classification.]]]XXX

XXX[[[Insert if order only contains citations to federal law: The evidence you submitted does not establish that the state court had jurisdiction under state law to make a legal conclusion about returning

you to your parent(s)' custody. Although the court order you submitted does contain the same language on reunification as section 101(a)(27)(J) of the INA, mirroring or citing to federal immigration law is not sufficient. The evidence you submitted does not indicate that the court's rulings were issued according to relevant state law and are not sufficient for establishing eligibility for SIJ classification.]]]XXX

XXX[[[Insert ONLY if the findings presented are factual rather than legal conclusions (e.g. declaratory judgment): The court order provided the following factual determinations regarding reunification: XXX[[[Insert: brief description of factual basis in court order.]]]XXX The language in the order appears to be a factual determination that reunification was not practical rather than a legal conclusion under the relevant state child welfare law that you cannot reunify with one or both of your parent(s). You have therefore not provided evidence that the court made a legal, rather than solely factual determination on the viability of parental reunification in your case.]]] XXX

XXX[[[Add Analysis of all evidence and why it is insufficient, including Ground(s) for Denial. ]]]XXX

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**NOID/Denial - MASS Recinos**

The Court Order cites Recinos and Massachusetts General Laws Ch. 215 Sec. 6 as providing the general equity power to determine whether you are dependent on the court. However, the Recinos decision did not provide the state court with the authority to make custody determinations for individuals over the age of 18. Rather, it sought to provide Massachusetts courts the ability to issue orders using its powers of equity to allow individuals to seek an SIJ order.

The Recinos decision allows state courts to make "factual findings". To be classified as an SIJ, a juvenile court must reach legal conclusions regarding your custody and care. The court did not actually declare you dependent or place you under the custody of an individual or state agency.

XXX[[[Add Analysis of all evidence and why it is insufficient, including Ground(s) for Denial. ]]]XXX

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Commented [ ] Do we need this or can we use the standard language above for death as a similar basis?

**DENIAL/NOID- Death as Similar Basis – NY**

USCIS received your Form I-360 on XX. On XX, USCIS issued a Notice of Intent to Deny, advising you that the evidence supporting the petition was insufficient to establish eligibility for the benefit sought and providing an opportunity to submit additional evidence.

You responded to the Notice of Intent to Deny on XX and submitted the following documentation:-

• XXX

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Along with your Form I-360, you provided an SIJ findings order issued by a New York family court (juvenile court). The SIJ findings order contains the following relevant language:

XXXX Quoted from Order XXX

The juvenile court found that reunification with your *mother / father* was not viable due to death, as a similar basis to abuse, neglect, or abandonment under state law. Although the court found that you could not be reunified with your father due to the fact of his death, the SIJ findings order

is insufficient because it does not establish how death is a similar basis to abuse, neglect, or abandonment under the law of New York.

If a court finds that parental reunification is not viable due to a similar basis to abuse, neglect, or abandonment, then the petitioner must establish that the nature and elements of the state law are indeed similar to the nature and elements of the laws on abuse, neglect, or abandonment. *See* 6 USCIS Policy Manual, J.3(A)(2).

While the unfortunate death of a parent renders reunification factually impossible (as noted in Matter of Luis R. v. Maria Elena M.G., 120 A.D.3d 581 (2d Dep't 2014)), the court must also conclude that reunification is not viable due to a legal basis under state child welfare law. The plain language of the INA's reference to "a similar basis found under State law" indicates that the similar basis must be a legal provision, not factual circumstances.

The evidence you submitted does not establish that death is a statutory provision whose nature and elements are similar to the nature and elements of abuse, neglect, or abandonment under New York child welfare law. *Id.* (discussing the "uncared for" provision in the Connecticut General Statutes as an example of a state law similar to abuse, neglect, or abandonment).

Based on a review of the record, USCIS finds that you have not met your burden of proof in demonstrating your petition should be approved.

#### **DENIAL - CONSENT IS NOT WARRANTED**

USCIS' consent determination is an acknowledgment that the request for SIJ classification is bona fide, which means that the juvenile court order and the best interest determination were sought primarily to gain relief from parental abuse, neglect, abandonment, or a similar basis under state law, and not primarily or solely to obtain an immigration benefit. H.R. Rep. No. 105-405, 130 (1997); 6 USCIS Policy Manual, J.2(D)(5) and J.3(A)(3). Template orders that merely recite the INA and regulations will not suffice to establish a reasonable factual basis to warrant USCIS' consent, but juvenile court orders that contain or are supplemented by judicial findings of fact are generally sufficient to establish a reasonable basis for the juvenile court's order. 6 USCIS Policy Manual, J.3(A).

XXX[[[Insert if no factual basis: USCIS' consent is not warranted because there is no reasonable factual basis for the [parental reunification] [best interest ] rulings. [Insert relevant facts] As the record does not indicate that there was a reasonable factual basis for the court's rulings, we cannot find that the court made an informed decision and that the request for SIJ classification is bona fide. ]]]XXX

XXX[[[Insert if the record contains inconsistencies that are contrary to the eligibility for SIJ classification: USCIS' consent is not warranted because the record contains inconsistencies [insert relevant facts] and there is no evidence that the court was aware of these inconsistencies at the time that the order was issued, and we therefore cannot find that the court made an informed determination on these issues.]]]XXX

XXX[[[ Add Analysis of all evidence and why it is insufficient, including Ground(s) for Denial. ]]]XXX

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**DENIAL - Over age of majority –**

XXX[[[ Insert Procedural History- if needed]]]XXX

Along with your Form I-360, you provided a XXX[[[ NAME of DOCUMENT / ORDER]]]XXX from the XXX[[[COURT]]]XXX. Your [[[BIRTH CERT / OTHER AGE DOCUMENT]]] indicates you were born on [[[DOB]]. The state court issued XXX[[[NAME of DOCUMENT / ORDER]]]XXX on XXX[[[Insert DATE COURT ORDER WAS ISSUED]]]XXX when you were XXX[[[Insert AGE OF PETITIONER]]]XXX years old. The age of majority in XXX[[[Insert STATE]]]XXX is XXX[[[Insert AGE]]]XXX.

Therefore, you attained the age of majority on or before the date the state court order was issued.

The state court order you submitted states that: XXX[[[Insert specific language used in the order on: jurisdiction, age, care / custody / dependency placement, reunification, abuse, abandonment, neglect, best interests]]]XXX

To be eligible for Special Immigrant Juvenile (SIJ) classification, a juvenile court must have determined that reunification with one or both of your parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law. *See* INA § 101(a)(27)(J)(i). The determination is a legal conclusion made by a juvenile court under relevant state laws that you cannot reunify with one or both parents before aging out of the court's jurisdiction. *See* INA § 101(a)(27)(J)(i); 8 CFR 204.11(a) (definitions of juvenile court and eligible for long-term foster care). In order for a court to determine that parental reunification is not viable, the court must have jurisdiction over your custody and care as a juvenile under state law. Therefore, you must establish that the court issuing the order had the authority to determine whether the allegedly unfit parent should regain or lose custody of you. *See* 8 CFR 204.11(a) and 8 CFR 204.11(d)(2)(ii). Otherwise, the juvenile court order is not valid for the purpose of establishing your eligibility for SIJ classification.

While you have presented evidence that a court has XXX[[[Insert: found you dependent on the court OR placed you in a guardianship with your consent]]]XXX, the evidence you submitted does not establish that the state court had jurisdiction under state law to make a legal conclusion about returning you to your parent(s)' custody.

XXX[[[Insert: Although the court order you submitted does contain the same language on reunification as section 101(a)(27)(J) of the INA, mirroring or citing to federal immigration law is not sufficient. You must provide evidence that the court's rulings were issued according to the relevant state law and are sufficient for establishing eligibility for SIJ classification. XXX

XXX[[[Insert ONLY if the findings presented are factual rather than legal conclusions : The court order provided the following factual determinations regarding reunification: XXX[[[Insert: brief description of factual basis in court order.]]]XXX The language in the order appears to be a factual determination that reunification was not practical rather than a legal conclusion under the relevant state child welfare law that you cannot reunify with one or both of your parent(s). ]]]XXX

XXX[[[ Add Analysis of all evidence and why it is insufficient, including Ground(s) for Denial. ]]]XXXINSERT other legal issues, as needed.

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**NOIR/Revocation Standard Paragraphs**

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**REVOCATION- NBC I-360– Married after I-360 approval**

On XXX[[[Insert: DATE]]]XXX, you submitted your I-485 Application to Register Permanent Residence or Adjust Status. In support of that application you submitted XXX[[[Describe the evidence submitted that shows that the person is married]]]XXX . The information you provided indicates that you XXX[[[Choose one: are married OR were married at the time of filing of the Form I-360 OR were married when the I-360 was adjudicated.]]]XXX. Since you married before USCIS made a decision on your application for adjustment of status based on your approved Special Immigrant petition, your I-360 is automatically revoked as of the date of its approval.

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**NOIR/REVOCATION – NBC I-360 – Over 21 on Date of Filing**

USCIS has determined that your petition was approved in error because you were over the age of 21 on the date you filed your Form I-360. Your date of birth is [Insert Date of Birth], therefore you were [Insert Age of Petitioner on Date of Filing] years old on the day you filed your petition. To be eligible for Special Immigrant Juvenile classification you must be under 21 years old on the date you file your Form I-360. Since you were already 21 years old on the day you filed your petition, you were not eligible for the Special Immigrant Juvenile classification. See 8 CFR 204.11(c).

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**PART THREE- I-485 SHELLS**

**1. I-485 SIJ RFE Shell**

We do have an I-485 SIJ shell. This shell should be standard across all of our I-485 letters.

[[[LETTERHEADER]]]

Dear [[[LETTER\_BENEFICIARY\_FIRST\_NAME\_TX]]]  
[[[LETTER\_BENEFICIARY\_LAST\_NAME\_TX]]]:

**Why We Are Writing You**

On [[[LETTER\_CASE\_RECEIPT\_DT]]], you submitted your [[[FORM\_TYPE\_NAME\_TX]]. We are writing to inform you that we need more information from you to make a decision on your case. Please read this letter carefully and follow all of the instructions below.

**What You Need To Do**

You must provide the following information in order for us to make a final decision on your case.

-INSERT STANDARD PARAGRAPHS

**When You Need To Do It**

You must send the requested information by mail to the address shown below by [[[LETTER\_CALL\_UP\_DT]].

You must submit all of the requested evidence at one time. If you submit only part of the evidence, we will make a decision based on the evidence that you submit. We will not consider any evidence that is submitted after the due date. If you do not respond to this request by the date shown above, we will deny your case.

If you submit a document in any language other than English, you must provide: (1) a copy of the original document in its foreign language; and (2) a full English translation of the document. The translator must certify that the translation is complete and accurate, and that he or she is competent to translate from the foreign language to English.

We strongly recommend you keep a copy of all documents that you submit to USCIS in response to this request.

**Please include a copy of ALL pages of this letter with your response.**

Submit your response with requested document(s), information, etc. to this address:

Regular Mail

Express Mail or Courier Deliveries

**U.S. Department of Homeland Security      National Benefits Center, USCIS**  
PO Box 25920                                      7600B West 119th Street  
Overland Park, KS 66225                      Overland Park, KS 66213

**Please do not forget to include a copy of ALL pages of this letter with your response.**

Sincerely,

[[[SIGNATURE]]]



## 2. **I-485 Denial shell**

Current I-485 shell being reviewed.

[[[LETTERHEADER]]]

Dear [[[LETTER\_BENEFICIARY\_FIRST\_NAME\_TX]]]  
[[[LETTER\_BENEFICIARY\_LAST\_NAME\_TX]]]:

On [[[LETTER\_CASE\_RECEIPT\_DT]]], you filed a Form I-485, Application to Register Permanent Residence or Adjust Status, with U.S. Citizenship and Immigration Services (USCIS).

After a thorough review of your application and the record of evidence, we must inform you that we are denying your application.

Pursuant to section 245(h) of the Immigration and Nationality Act (INA), to qualify for adjustment under INA section 245(a) as a Special Immigrant Juvenile, an applicant must:

- Qualify as a Special Immigrant Juvenile under the definition in INA 101(a)(27)(J);
- Be eligible to receive an immigrant visa;
- Be admissible to the United States for permanent residence (see INA 245(c) and (h) (exempting and providing waivers for certain grounds of inadmissibility)); and
- Have an immigrant visa immediately available at the time the application is filed and at the time of adjudication.

You must demonstrate that you are eligible to adjust status to a lawful permanent resident (LPR). See Title 8, Code of Federal Regulations (8 CFR), section 245.1(e)(3).

### **Statement of Facts and Analysis, Including Reason(s) for Denial**

You filed Form I-485 based on having an approved I-360 Special Immigrant Juvenile petition.

XXX[[[ *INSERT if grounds for automatic revocation of I-360 apply*: On DATE, you submitted your I-485 Application to Register Permanent Residence or Adjust Status. Your I-360 Special Immigrant Juvenile petition was automatically revoked on DATE because [you married] [you reunited with one or both parents by virtue of a juvenile court order where a juvenile court had previously deemed reunification with that parent or parents not viable due to abuse, neglect, or abandonment under state law] [administrative or judicial proceedings determined that it is in your best interest to be returned to your country of nationality or the country of last habitual residence of you or your parents] before USCIS made a decision on your application for adjustment of status based on your approved Special Immigrant petition. See 8 CFR 205.1(a)(3)(iv). You have therefore not established that you are eligible for adjustment under INA 245 because you have no petition to form the basis of your adjustment of status. Therefore, USCIS must deny your Form I-485. See 8 CFR, sections 103.2(b)(11) and (12).]]] XXX

XXX[[[*INSERT proper snippet from Snippet Group "FOD 458 DEN - RFE/NOID" if an RFE or NOID was issued; otherwise delete this placeholder*]]]XXX

You submitted the following evidence in support of your application:

- XXX[[*List the submitted evidence*]]XXX
- XXX[[*List the submitted evidence*]]XXX
- XXX[[*List the submitted evidence*]]XXX

After reviewing the evidence XXX[*INSERT if interview conducted; otherwise delete placeholder:* and the testimony provided at the interview]XXX, USCIS records indicate that you are not eligible to adjust status for the following reason(s).

INSERT STANDARD PARAGRAPH

XXX[*INSERT snippet "FOD 485 DEN - Discretion Added" if denying the I-485 using another eligibility and/or inadmissibility standard paragraph and also denying based on negative discretion; otherwise delete this placeholder. If only denying on negative discretion, use the "FOD 485 DEN: 245 General Eligibility - INA 245 Discretionary Only" standard paragraph and delete this placeholder.*]]XXX

You have not established that you are eligible for adjustment under INA 245. Therefore, USCIS must deny your Form I-485.

XXX[*SELECT snippet "FOD 485 DEN - NTA Issued" if an NTA will be issued; otherwise delete this placeholder*]]XXX

XXX[*SELECT proper snippet from Snippet Group "FOD 485 DEN - No NTA" if an NTA will not be issued; otherwise delete this placeholder*]]XXX

You may not appeal this decision. However, if you believe that the denial of your Form I-485 is in error, you may file a motion to reopen or a motion to reconsider using Form I-290B, Notice of Appeal or Motion. You must submit Form I-290B within 30 calendar days of service of this decision (33 days if the decision was mailed). If USCIS does not receive the motion to reopen or reconsider within the required period, this decision will become final. See Title 8, Code of Federal Regulations (8 CFR), sections 103.5 and 103.8(b). Note: You must follow the most current filing instructions for Form I-290B, which can be found at [www.uscis.gov](http://www.uscis.gov).

To access Form I-290B or if you need additional information, please visit the USCIS Web site at [www.uscis.gov](http://www.uscis.gov) or call our USCIS Contact Center toll free at 1-800-375-5283. You may also contact the USCIS office having jurisdiction over your current place of residence.

The motion shall be filed on Form I-290B, together with the current fee and mailed to:

NATIONAL BENEFITS CENTER  
c/o Chicago Lock Box  
Post Office Box 7219  
Chicago, IL 60680

Since this Form I-485 has been denied, the condition upon which your Employment Authorization document and/or Advance Parole document was based, no longer exists. Therefore, USCIS has determined that any pending Application for Employment Authorization, Form I-765, and/or Application for Travel Document, Form I-131, related to the Form I-485 are also denied.

Any unexpired Employment Authorization document based upon this Form I-485 is revoked as of 18 days from the date of this notice pursuant to 8 CFR 274a.14(b)(2), unless you submit, within 18 days, proof that your Form I-485 remains pending. The decision shall be final and no appeal shall lie from the decision to revoke the authorization. Any unexpired Advance Parole document based upon this Form I-485 is terminated as of the date of this notice pursuant to 8 CFR 212.5(c)(2)(i). Any unexpired Employment Authorization document and/or Advance Parole document based upon this Form I-485 should be returned to the local USCIS office.

Sincerely,  
[[[SIGNATURE]]]

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**PART FOUR – I-485 PARAGRAPHS**

List of letter choices in ECHO

Select	Code	Description	Locked	Revised
<input type="checkbox"/>	<b>NBC SIJ 693 Subm</b>	NBC SIJ SUBMIT I-693	No	03/10/2017
<input type="checkbox"/>	<b>NBC SIJ 693 INCO</b>	NBC SIJ 693 INCOMPLETE	No	03/10/2017
<input type="checkbox"/>	<b>NBC SIJ 693 CS</b>	NBC SIJ 693 CS SIGNATUTRE	No	03/10/2017
<input type="checkbox"/>	<b>NBC SIJ 693 COPY</b>	NBC SIJ 693 PHOTOCOPY SUBMITTED	No	03/10/2017
<input type="checkbox"/>	<b>NBC SIJ 693 APP</b>	NBC SIJ 693 APPLICANT SIGNATURE	No	03/10/2017
<input type="checkbox"/>	<b>NBC SIJ 693 VERS</b>	NBC SIJ 693 VERSION NOT ACCEPTED	No	03/10/2017
<input type="checkbox"/>	<b>NBC SIJ 693 GON</b>	NBC SIJ 693 GONORRHEA TEST	No	03/10/2017
<input type="checkbox"/>	<b>NC SIJ 693 PGS</b>	NBC SIJ 693 PAGES MISSING	No	11/01/2016
<input type="checkbox"/>	<b>NBC SIJ 693 VLD</b>	NBC SIJ 693 NO LONGER VALID	No	03/10/2017

<input type="checkbox"/>	<b>NBC SIJ 693 EXP</b>	NBC SIJ 693 EXPIRED WHEN SUBMITTED	No	03/10/2017
<input type="checkbox"/>	<b>NBC SIJ 693 WVR</b>	NBC SIJ 693 WAIVER INDICATED	No	03/10/2017
<input type="checkbox"/>	<b>NBC SIJ 693 TB</b>	NBC SIJ 693 TUBERCULOSIS SCREENING REQUIREMENT	No	03/10/2017
<input type="checkbox"/>	<b>NBC SIJ 693 OPEN</b>	NBC SIJ 693 UNSEALED ENVELOPE	No	03/10/2017
<input type="checkbox"/>	<b>NBC SIJ Photos</b>	Submit Applicant Photos	No	03/10/2017
<input type="checkbox"/>	<b>NBC SIJ G325A</b>	Submit Form G-325A for Applicant	No	03/10/2017
<input type="checkbox"/>	<b>NBC SIJ Birth Ce</b>	Submit Applicant Birth Certificate	No	03/10/2017
<input type="checkbox"/>	<b>NBC SIJ Pol Rec</b>	Submit Police Records	No	03/10/2017
<input type="checkbox"/>	<b>NBC SIJ FP Uncla</b>	Finger Prints Twice Unclassifiable	No	03/10/2017
<input type="checkbox"/>	<b>NBC SIJ Part 3*</b>	Part 3 Question(s) Not Answered	No	05/11/2017
<input type="checkbox"/>	<b>NBC SIJ PRT 3-C</b>	Answered None to Part 3-C (but applicant was in an organization or the military)	No	05/11/2017
<input type="checkbox"/>	<b>NBC SIJ PRT 3 B</b>	Answered Yes to Part 3 Question B, but did not submit explanation or documentation	No	05/11/2017

<input type="checkbox"/>	<b>NBC SIJ Sig Unac</b>	NBC SIJ Signature Unacceptable	No	08/15/2017
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**RFE- NBC SIJ Submit I-693**

XXXThe Form I-693, Report of Medical Examination and Vaccination Record, that you submitted is incomplete. We need additional medical information to complete your case. PLACE ALL I-693 RELATED RFE STANDARD PARAGRAPHS and SNIPPETS BELOW THIS TEXT OR DELETE IF RFE DOES NOT PERTAIN TO I-693XXX

Submit a complete Form I-693, Report of Medical Examination and Vaccination Record, completed by a USCIS Civil Surgeon. We will NOT accept photocopied medical exam results. You must submit the original form and any original supplement completed by the Civil Surgeon to us. You and the Civil Surgeon must sign the form, and it must be sent to us in a sealed envelope from the Civil Surgeon. If the Civil Surgeon refers you to a specialist, the exam by the specialist must be included, and the specialist must complete the proper sections of the Form I-693. Please note civil surgeons must use the current Edition of Form I-693. You can find the current edition of Form I-693 on USCIS's website at [www.uscis.gov](http://www.uscis.gov). In addition, the civil surgeon must ensure that all parts of Form I-693 were properly completed. You may find a list of designated civil surgeons by calling the USCIS Contact Center at 1-800-375-5283, or on USCIS's website at [www.uscis.gov](http://www.uscis.gov).

XXX[**SELECT proper Snippet(s) from Snippet Group "FOD AOS RFE - I-693" if any apply; if none apply, delete this placeholder. REMOVE placeholder XXXs and ]s]XXX**

**RFE- NBC SIJ 693 INCOMPLETE**

XXXThe Form I-693, Report of Medical Examination and Vaccination Record, that you submitted is incomplete. We need additional medical information to complete your case. PLACE ALL I-693 RELATED RFE STANDARD PARAGRAPHS and SNIPPETS BELOW THIS TEXT OR DELETE IF RFE DOES NOT PERTAIN TO I-693XXX

The Form I-693, Report of Medical Examination and Vaccination Record, that you submitted is incomplete. We need additional medical information to complete your case.

**XXX Insert proper Standard Paragraphs associated with NBS AOS SIJ 485 XXX**

**RFE- NBC SIJ 693 Civil Surgeon SIGNATURE**

XXXThe Form I-693, Report of Medical Examination and Vaccination Record, that you submitted is incomplete. We need additional medical information to complete your case. PLACE ALL I-693 RELATED RFE STANDARD PARAGRAPHS and SNIPPETS BELOW THIS TEXT OR DELETE IF RFE DOES NOT PERTAIN TO I-693XXX

The medical examination report, Form I-693, submitted with your application to adjust status, was not signed by a civil surgeon and as a result is unacceptable. Your original Form I-693 is hereby returned to you in the enclosed sealed envelope.

Take this letter and your enclosed Form I-693 to the civil surgeon who conducted your medical examination. **ONLY THE CIVIL SURGEON SHOULD OPEN THE SEALED ENVELOPE.** The civil surgeon must verify that he or she completed the medical examination recorded on the I-693 and must sign and date the form in the space provided. If your Form I-693 was not originally completed by a civil surgeon, you must have a new Form I-693 completed by a designated civil surgeon.

Blank immigration forms are available online from the official USCIS website: [www.uscis.gov](http://www.uscis.gov). You may also order immigration forms by phone at 1-800-870-3676. A list of civil surgeons in your area is also available online at [www.uscis.gov](http://www.uscis.gov) or by phone at 1-800-375-5283.

**IMPORTANT WARNING:** Only a designated civil surgeon authorized by USCIS to conduct medical examinations is qualified to complete the Form I-693. The civil surgeon must sign and date the Form I-693. Signatures by a nurse or physician's assistant are not acceptable. You must also sign and date the Form I-693 when instructed to do so by the civil surgeon. When appropriately completed and signed, the ORIGINAL Form I-693 must be sealed in a separate envelope by the civil surgeon. The sealed envelope must be returned, unopened, to this office with any other requested evidence.

#### **RFE- NBC SIJ 693 PHOTOCOPY SUBMITTED**

XXXXThe Form I-693, Report of Medical Examination and Vaccination Record, that you submitted is incomplete. We need additional medical information to complete your case. PLACE ALL I-693 RELATED RFE STANDARD PARAGRAPHS and SNIPPETS BELOW THIS TEXT OR DELETE IF RFE DOES NOT PERTAIN TO I-693XXXX

The civil surgeon's signature on the Form I-693 submitted with your application to adjust status is a photocopy and as a result is unacceptable. Your original Form I-693 is hereby returned to you in the enclosed sealed envelope.

Take this letter and your enclosed Form I-693 to the civil surgeon who administered your vaccinations. ONLY THE CIVIL SURGEON SHOULD OPEN THE SEALED ENVELOPE. The civil surgeon must verify that he or she completed the Form I-693 and place it in a sealed envelope before returning it to you.

**IMPORTANT WARNING:** Only a designated civil surgeon authorized by USCIS to conduct medical examinations is qualified to complete the Form I-693. The civil surgeon must sign and date the Form I-693. Signatures by a nurse or physician's assistant are not acceptable. You must also sign and date the Form I-693 when instructed to do so by the civil surgeon. When appropriately completed and signed, the ORIGINAL Form I-693 must be sealed in a separate envelope by the civil surgeon. The sealed envelope must be returned, unopened, to this office with any other requested evidence.

#### **RFE- NBC SIJ 693 APPLICANT SIGNATURE**

XXXXThe Form I-693, Report of Medical Examination and Vaccination Record, that you submitted is incomplete. We need additional medical information to complete your case. PLACE ALL I-693 RELATED RFE STANDARD PARAGRAPHS and SNIPPETS BELOW THIS TEXT OR DELETE IF RFE DOES NOT PERTAIN TO I-693XXXX

The Form I-693, Report of Medical Examination and Vaccination Record you provided is unacceptable because it was not properly signed by the applicant. The applicant and civil surgeon must both sign Form I-693. USCIS policy also requires applicants to sign Form I-693 based on age:

- If **age 14 or older**, the applicant must sign their own Form I-693. A parent, legal guardian or other party may not sign for the applicant. However, a legal guardian may sign for a mentally incompetent person.
- If **under age 14**, the applicant or their parent or legal guardian may sign Form I-693.



Your original Form I-693 has been returned in the enclosed sealed envelope. Take this letter and your enclosed Form I-693 to the civil surgeon who conducted your medical examination. **ONLY THE CIVIL SURGEON SHOULD OPEN THE SEALED ENVELOPE.** The civil surgeon must verify that you are the person who received the medical examination recorded on the Form I-693. You must then sign the I-693 in the presence of the civil surgeon.

If the civil surgeon is unable to determine that you are the person who received the medical examination recorded on the Form I-693 then the civil surgeon must complete a new medical examination and document the results on a new I-693.

**IMPORTANT WARNING:** Only a designated civil surgeon authorized by USCIS to conduct medical examinations is qualified to complete the Form I-693. The civil surgeon must sign and date the Form I-693. Signatures by a nurse or physician's assistant are not acceptable. You must also sign and date the Form I-693 when instructed to do so by the civil surgeon. When appropriately completed and signed, the **ORIGINAL** Form I-693 must be sealed in a separate envelope by the civil surgeon. The sealed envelope must be returned, unopened, to this office with any other requested evidence.

**RFE- NBC SIJ 693 VERSION NOT ACCEPTED**

XXXXThe Form I-693, Report of Medical Examination and Vaccination Record, that you submitted is incomplete. We need additional medical information to complete your case. **PLACE ALL I-693 RELATED RFE STANDARD PARAGRAPHS and SNIPPETS BELOW THIS TEXT OR DELETE IF RFE DOES NOT PERTAIN TO I-693XXXX**

You submitted a medical examination with your application to adjust status that is no longer being accepted by USCIS. You must submit a current version of Form I-693 that properly documents your vaccination history and the results of your medical examination.

Blank immigration forms and information are available online from the official USCIS website at [www.uscis.gov](http://www.uscis.gov). You may also order immigration forms by phone at 1-800-870-3676.

Your original Form I-693 is hereby returned to you in the enclosed sealed envelope. Take this letter and your enclosed Form I-693 to the civil surgeon who conducted your medical examination. **ONLY THE CIVIL SURGEON SHOULD OPEN THE SEALED ENVELOPE.** You are not required to complete a new medical examination; however, the civil surgeon must transfer the results of your medical examination from the old Form I-693 to the new Form I-693.

**IMPORTANT WARNING:** Only a designated civil surgeon authorized by USCIS to conduct medical examinations is qualified to complete the Form I-693. The civil surgeon must sign and date the Form I-693. Signatures by a nurse or physician's assistant are not acceptable. You must also sign and date the Form I-693 when instructed to do so by the civil surgeon. When appropriately completed and signed, the **ORIGINAL** Form I-693 must be sealed in a separate envelope by the civil surgeon. The sealed envelope must be returned, unopened, to this office with any other requested evidence.

**RFE- NBC SIJ 693 GONORRHEA TEST**

XXXXThe Form I-693, Report of Medical Examination and Vaccination Record, that you submitted is incomplete. We need additional medical information to complete your case. **PLACE ALL I-693 RELATED RFE STANDARD PARAGRAPHS and SNIPPETS BELOW THIS TEXT OR DELETE IF RFE DOES NOT PERTAIN TO I-693XXXX**

The medical examination report, Form I-693, submitted with your application to adjust status does not establish that you were given a laboratory test for gonorrhea. Effective August 1, 2016, all I-693 medicals completed for applicants 15 years or older must include testing for gonorrhea. Your original Form I-693 is hereby returned to you in the enclosed sealed envelope. Take this letter and your enclosed Form I-693 to the civil surgeon who conducted your medical examination. **ONLY THE CIVIL SURGEON SHOULD OPEN THE SEALED ENVELOPE.**

The civil surgeon must administer the required test and record the results in the Remarks section of Part 5, Civil Surgeon Worksheet, Section C, "Other Class A/Class B Conditions for Communicable Diseases of Public Health Significance" on Form I-693.

If applicable, the civil surgeon must assign a Class A or Class B classification for gonorrhea on Form I-693 and include all medical documentation, including any laboratory reports. Applicants with untreated gonorrhea are Class A. After completing treatment, they are re-classified as Class B and should be recorded as such on the Form I-693.

**Note:** Form I-693 currently has no box for gonorrhea Class B. Until the form can be updated, the civil surgeon should write "Gonorrhea, Class B" in the Remarks section of Part 5.

If an applicant received treatment and no longer has gonorrhea, the civil surgeon is required to include "no longer has gonorrhea" in the remarks section and to document the following on Form I-693 or attached documentation:

- Laboratory test used to make the diagnosis;
- Drug regimen received (including doses, dosage units, and administration routes of all medications), start date, completion date, and any periods of interruption; and
- Clinical course observed, such as clinical improvement or lack of improvement during and after treatment, including resolution of symptoms and signs, as well as any drug reactions.

**IMPORTANT WARNING:** Only a designated civil surgeon authorized by USCIS to conduct medical examinations is qualified to complete the Form I-693. The civil surgeon must sign and date the Form I-693. Signatures by a nurse or physician's assistant are not acceptable. You must also sign and date the Form I-693 when instructed to do so by the civil surgeon. When appropriately completed and signed, the ORIGINAL Form I-693 must be sealed in a separate envelope by the civil surgeon. The sealed envelope must be returned, unopened, to this office with any other requested evidence.

**RFE- NBC SIJ 693 PAGES MISSING**

XXXThe Form I-693, Report of Medical Examination and Vaccination Record, that you submitted is incomplete. We need additional medical information to complete your case. **PLACE ALL I-693 RELATED RFE STANDARD PARAGRAPHS and SNIPPETS BELOW THIS TEXT OR DELETE IF RFE DOES NOT PERTAIN TO I-693XXX**

The Form I-693, Report of Medical Examination and Vaccination Record, you submitted with your I-485 application is missing page(s) XXX Insert Missing Pages XXX. You may obtain blank copies of the Form I-693 either online from the official USCIS website at [www.uscis.gov](http://www.uscis.gov) or by ordering over the phone at 1-800-870-3676.

Take this letter, your enclosed Form I-693, and the blank missing pages from the Form I-693 that you have obtained to the civil surgeon who conducted your medical examination. **ONLY THE CIVIL SURGEON SHOULD OPEN THE SEALED ENVELOPE.** You must complete your personal information and sign the Form I-693 in Part 1. The civil surgeon must complete the missing pages from the I-693 and must sign and date the form as described below.

**IMPORTANT WARNING:** Only a designated civil surgeon authorized by USCIS to conduct medical examinations is qualified to complete the Form I-693. The civil surgeon must sign and date the Form I-693. Signatures by a nurse or physician's assistant are not acceptable. You must also sign and date the Form I-693 when instructed to do so by the civil surgeon. When appropriately completed and signed, the ORIGINAL Form I-693 must be sealed in a separate envelope by the civil surgeon. The sealed envelope must be returned, unopened, to this office with any other requested evidence.

**RFE- NBC SIJ 693 NO LONGER VALID**

XXXXThe Form I-693, Report of Medical Examination and Vaccination Record, that you submitted is incomplete. We need additional medical information to complete your case. **PLACE ALL I-693 RELATED RFE STANDARD PARAGRAPHS and SNIPPETS BELOW THIS TEXT OR DELETE IF RFE DOES NOT PERTAIN TO I-693XXXX**

Due to a policy change, as of June 1, 2014, Form I-693, Report of Medical Examination and Vaccination Record, will lose its validity one year after having been submitted to USCIS. The Form I-693 that you submitted in support of your Form I-485, Application to Register Permanent Residence or Adjust Status, is no longer valid. Please submit a new Form I-693 completed by a designated civil surgeon to this office together with a copy of this notice. Including a copy of this notice with your Form I-693 will facilitate matching the medical report with your file.

Blank immigration forms are available online from the official USCIS website: [www.uscis.gov](http://www.uscis.gov). You may also order immigration forms by phone at 1-800-870-3676. A list of civil surgeons in your area is also available online at [www.uscis.gov](http://www.uscis.gov) or by phone at 1-800-375-5283.

**IMPORTANT WARNING:** Only a designated civil surgeon authorized by USCIS to conduct medical examinations is qualified to complete the Form I-693. The civil surgeon must sign and date the Form I-693. Signatures by a nurse or physician's assistant are not acceptable. You must also sign and date the Form I-693 when instructed to do so by the civil surgeon. When appropriately completed and signed, the ORIGINAL Form I-693 must be sealed in a separate envelope by the civil surgeon. The sealed envelope must be returned, unopened, to this office with any other requested evidence.

**RFE- NBC SIJ 693 EXPIRED WHEN SUBMITTED**

XXXXThe Form I-693, Report of Medical Examination and Vaccination Record, that you submitted is incomplete. We need additional medical information to complete your case. **PLACE ALL I-693 RELATED RFE STANDARD PARAGRAPHS and SNIPPETS BELOW THIS TEXT OR DELETE IF RFE DOES NOT PERTAIN TO I-693XXXX**

The medical examination report, Form I-693, you submitted with your application to adjust status was more than one year old when it was submitted and is expired. You must submit a new Form I-693, Report of Medical Examination and Vaccination Record. The Form I-693 must be completed by a designated civil surgeon who will conduct your medical examination and administer any

necessary vaccines. The civil surgeon must record the results of your medical examination and your vaccination history as provided in the instructions to the Form I-693.

Blank immigration forms are available online from the official USCIS website: [www.uscis.gov](http://www.uscis.gov). You may also order immigration forms by phone at 1-800-870-3676. A list of civil surgeons in your area is also available online at [www.uscis.gov](http://www.uscis.gov) or by phone at 1-800-375-5283.

**IMPORTANT WARNING:** Only a designated civil surgeon authorized by USCIS to conduct medical examinations is qualified to complete the Form I-693. The civil surgeon must sign and date the Form I-693. Signatures by a nurse or physician's assistant are not acceptable. You must also sign and date the Form I-693 when instructed to do so by the civil surgeon. When appropriately completed and signed, the ORIGINAL Form I-693 must be sealed in a separate envelope by the civil surgeon. The sealed envelope must be returned, unopened, to this office with any other requested evidence.

**RFE- NBC SIJ 693 WAIVER INDICATED**

XXXXThe Form I-693, Report of Medical Examination and Vaccination Record, that you submitted is incomplete. We need additional medical information to complete your case. PLACE ALL I-693 RELATED RFE STANDARD PARAGRAPHS and SNIPPETS BELOW THIS TEXT OR DELETE IF RFE DOES NOT PERTAIN TO I-693XXXX

You indicated on the Form I-693, Report of medical Examination and Vaccination Record, submitted with your application to adjust status that you will request a waiver based upon religious or moral convictions. To qualify for a waiver under section 212(g)(2)(c) of the Act, you bear the burden of establishing a strong objection to vaccinations that is based on religious or moral beliefs as opposed to a mere preference against vaccinations.

To apply for the waiver you must submit a Form I-601, Application For Waiver of Grounds of Excludability with the appropriate filing fee. Blank immigration forms are available online from the official USCIS website: [www.uscis.gov](http://www.uscis.gov). You may also order immigration forms by phone at 1-800-870-3676.

You must submit with the Form I-601 a signed statement which explains that you are:

- (1) opposed to vaccinations in any form;
- (2) that the objection is based on religious belief or moral convictions; and
- (3) that the religious belief or moral conviction is sincere.

If, however, the indication on the Form I-693 is incorrect, or you do not otherwise wish to request a waiver, you must return to the civil surgeon who completed your Form I-693 to complete a revised Form I-693. The civil surgeon should administer any needed vaccines and document your vaccination history on the Form I-693. If you cannot complete a vaccine series because it is not medically appropriate, the civil surgeon should request a waiver of that vaccination requirement on the Form I-693.

**IMPORTANT WARNING:** Only a designated civil surgeon authorized by USCIS to conduct medical examinations is qualified to complete the Form I-693. The civil surgeon must sign and date the Form I-693. Signatures by a nurse or physician's assistant are not acceptable. You must also sign and date the

Form I-693 when instructed to do so by the civil surgeon. When appropriately completed and signed, the ORIGINAL Form I-693 must be sealed in a separate envelope by the civil surgeon. The sealed envelope must be returned, unopened, to this office with any other requested evidence.

#### **RFE- NBC SIJ 693 TUBERCULOSIS SCREEN REQUIREMENT**

XXXThe Form I-693, Report of Medical Examination and Vaccination Record, that you submitted is incomplete. We need additional medical information to complete your case. PLACE ALL I-693 RELATED RFE STANDARD PARAGRAPHS and SNIPPETS BELOW THIS TEXT OR DELETE IF RFE DOES NOT PERTAIN TO I-693XXX

Tuberculosis screening requirement: The civil surgeon must indicate the results of a tuberculin skin test (TST) or an Interferon Gamma Release Assay (IGRA) on Form I-693 for any applicant who is two years of age or older. A Form I-693 without TST or IGRA results is not acceptable. Additionally, a chest x-ray alone, without the required TST or IGRA results, is not sufficient. The TST or IGRA may be waived only if medically contraindicated.

**IMPORTANT WARNING:** Only a designated civil surgeon authorized by USCIS to conduct medical examinations is qualified to complete the Form I-693. The civil surgeon must sign and date the Form I-693. Signatures by a nurse or physician's assistant are not acceptable. You must also sign and date the Form I-693 when instructed to do so by the civil surgeon. When appropriately completed and signed, the ORIGINAL Form I-693 must be sealed in a separate envelope by the civil surgeon. The sealed envelope must be returned, unopened, to this office with any other requested evidence.

#### **RFE- NBC SIJ 693 UNSEALED ENVELOPE**

XXXThe Form I-693, Report of Medical Examination and Vaccination Record, that you submitted is incomplete. We need additional medical information to complete your case. PLACE ALL I-693 RELATED RFE STANDARD PARAGRAPHS and SNIPPETS BELOW THIS TEXT OR DELETE IF RFE DOES NOT PERTAIN TO I-693XXX

The Form I-693 submitted with your application to adjust status was not in an envelope sealed by the civil surgeon and as a result is unacceptable. Your original Form I-693 is hereby returned to you in the enclosed sealed envelope.

Take this letter and your enclosed Form I-693 to the civil surgeon who conducted your medical examination. ONLY THE CIVIL SURGEON SHOULD OPEN THE SEALED ENVELOPE. The civil surgeon must verify that you are the person who received the medical examination and vaccinations recorded on the I-693 and that the I-693 documents the unaltered results of your medical examination and vaccination history.

If the civil surgeon is unable to determine that you are the person who received the medical examination or vaccinations documented on the I-693, or if the results on the I-693 appear to have been altered, then the civil surgeon must conduct a new medical examination and document the results on a new Form I-693. The civil surgeon must place the I-693 in a sealed envelope before returning it to you.

**IMPORTANT WARNING:** Only a designated civil surgeon authorized by USCIS to conduct medical examinations is qualified to complete the Form I-693. The civil surgeon must sign and date the Form I-693. Signatures by a nurse or physician's assistant are not acceptable. You must also sign and date the Form I-693 when instructed to do so by the civil surgeon. When appropriately completed and signed,

the ORIGINAL Form I-693 must be sealed in a separate envelope by the civil surgeon. The sealed envelope must be returned, unopened, to this office with any other requested evidence.

**RFE- I-485 Part 3 Question(s) BLANK**

You did not answer the following question(s) in Part 3 of your Form I-485:

XXXInsert Question(s)XXX

Please respond by answering either Yes or No to the question(s) above. You must also provide a written statement explaining any Yes response.

**RFE- I-485 Answered None to Part 3-C (Applicant in Organization or Military)**

You indicated on Form I-485, Part 3-C that you do not have any present or past membership in, or affiliation with, any political organization, association, fund, foundation, party, club, society or similar group in the United States or in other places since your 16th birthday, and you did not include any foreign military service. However, this information appears to contradict the information contained in your file. Therefore, please enter your own dated, signed statement indicating any present or past membership in or affiliation with every political organization, association, fund, foundation, party, club, society or similar group in the United States or in other places since your 16th birthday, and include any foreign military service. Include the name(s) of the organization(s), location(s), dates of membership from and to, and the nature of the organization(s). If none, please so indicate. Also, please indicate if you have any foreign military service, and indicate for which country you served. Please indicate all dates and places of service, all ranks and positions you held and all duties you performed. Also, please describe all involvements in hostilities, combat or warfare as a result of your involvement with any foreign military. If none, please so indicate.

**RFE- I-485 Answered Yes to Part 3 Question B, no explanation or documentation**

You indicated on Form I-485, Part 3, Question #1(b), that you have been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations. However, you did not explain your answer on a separate piece of paper. Therefore, please submit an explanation of your answer and also submit a police report and court judgment and disposition for each of your arrests. If the police report and court judgment and disposition are not available, you must provide certified evidence from the appropriate law enforcement agency or court confirming the unavailability of the record. If the arrests were outside the United States and were related to persecution, then law enforcement agency and court records are not required.

**RFE- SUBMIT APPLICANT PHOTOS**

Please submit two identical color photographs for XXX INSERT APPLICANT NAME XXX. The photos must:

- have a white to off-white background,
- be printed on thin paper with a glossy finish,
- be unmounted and unretouched,
- be 2" x 2" and in color,
- have a full face, frontal view,
- have a head height of 1" to 1 3/8" from the top of the hair to the bottom of the chin, and

- have an eye height between 1 1/8" to 1 3/8" from the bottom of the photograph.

This is similar to a passport-style photograph. Your head must be bare, unless you are wearing headwear as required by your religion. However, your face must be visible. If a digital photo is submitted, it must be taken from a camera with at least 3.5 mega pixels of resolution. Using a pencil or felt pen, lightly print the name and Alien Registration Number (A-Number) on the back of each photograph you submit.

#### **RFE- Submit Form G-325A for Applicant**

Please submit a completed and signed Form G-325A, Biographic Information sheet, for XXX INSERT APPLICANT NAME XXX.

#### **RFE- Submit Applicant Birth Certificate**

Please submit a copy of the applicant's foreign birth certificate issued by the appropriate civil authority. The birth certificate must show timely registration, date and place of birth, and parents' names. If the document is in a language other than English, you must submit a copy of the foreign language document and an English translation.

If the birth certificate is not available, you must submit acceptable secondary evidence AND an original written statement from the government agency authorized to issue the birth certificate. The letter must indicate the reason the record does not exist and whether similar records for the time and place are available. Examples of acceptable secondary evidence you may submit include, but are not limited to, church or school records listing your parents' names and your date of birth; hospital records of your birth; or other official records indicating a country and record of birth.

Information on acceptable birth records for people born outside the United States can be found at <http://travel.state.gov/content/visas/en/fees/reciprocity-by-country.html>.

#### **RFE- I-485 Submit Police Records**

Please submit certified police and court records for any criminal charges, arrests or convictions you may have.

- 1) If you were EVER arrested or detained by a law enforcement officer for any reason anywhere in the world, including the United States, and no criminal charges were filed, you must submit:
  - a) An original or certified copy of the complete arrest report; and
  - b) Either an official statement by the arresting or detaining agency or prosecutor's office OR an applicable court order that indicates the final disposition of your arrest or detention;
- 2) If you were EVER charged for any reason (even if you were not arrested) anywhere in the world, including the United States, you must submit:
  - a) An original or certified copy of the complete arrest report; and
  - b) Certified copies of BOTH the indictment, information, or other formal charging document AND the final disposition of each charge (for example, a dismissal order or acquittal order);
- 3) If you were EVER convicted or placed in an alternative sentencing or rehabilitative program (such as probation, drug treatment, deferred adjudication, or community service program) anywhere in the world, including the United States, you must submit:
  - a) An original or certified copy of the complete arrest report; and
  - b) Certified copies of the following: the indictment, information, or other formal charging document; any plea agreement, whether in the form of a court filing or recording in a hearing

transcript; and the final disposition for each incident (for example, conviction record, deferred adjudication order, probation order); and

- c) Either an original or certified copy of your probation or parole record showing that you completed the mandated sentence, conditions set for the deferred adjudication, or rehabilitative program OR documentation showing that you completed the alternative sentencing or rehabilitative program; or
- 4) If you EVER had any arrest or conviction vacated, set aside, sealed, expunged, or otherwise removed from your record anywhere in the world, including the United States, you must submit:
  - a) An original or certified copy of the complete arrest report; the indictment, information, or other formal charging document; any plea agreement, whether in the form of a court filing or recording in a hearing transcript; and the final disposition of each incident (for example, conviction record, deferred adjudication order, probation order); and
  - b) A certified copy of the court order vacating, setting aside, sealing, expunging, or otherwise removing the arrest or conviction.

You must disclose all arrests and charges, even if the arrest occurred when you were a minor. An adjudication of juvenile delinquency is not a "conviction" under U.S. immigration law, but a juvenile can be charged as an adult for an offense committed while a juvenile. If you were convicted as an adult, there is a conviction, regardless of whether you were tried before a criminal court or a juvenile court. An adjudication of juvenile delinquency could also be relevant to the exercise of discretion. If you claim that an arrest resulted in adjudication of delinquency, and not in a conviction, you must submit a copy of the court document that establishes this fact.

If you are not able to obtain certified copies of any court disposition, please submit:

- 1) Any explanation of why the documents are not available, including (if possible) a certificate from the custodian of the documents explaining why the documents are not available;
- 2) Any secondary evidence that shows the disposition of the case; or
- 3) If secondary evidence is also not available, on or more written statements, signed under penalty of perjury under 28 U.S.C. Section 1746, by someone who has personal knowledge of the disposition.

#### **RFE- I-485 Fingerprints Twice Unclassifiable**

USCIS has determined that you are unable to provide legible fingerprints for the purpose of conducting a FBI criminal background check. Therefore, you are required to provide alternate documentation to establish your eligibility.

Submit police clearance(s) from each city or state jurisdiction where you have lived for six (6) or more months in the United States during the past five (5) years.

If you have ever been arrested, cited, charged, indicted, convicted, fined, or imprisoned, submit originals or certified copies of all arrest records and court dispositions showing how each incident was resolved. All court dispositions concerning any arrest and/or charges must be certified by the court.

If the arrest report is unavailable, submit original or certified documents from the arresting agency, confirming that the record is unavailable.

If the court record is unavailable, you must submit an original or certified document from the court having jurisdiction over your case, confirming the record is unavailable. Claims of "No Record" must be certified



by the Clerk of Court in both the felony and misdemeanor divisions in the County where the arrest occurred. Sealed or expunged records must be submitted.

**RFE- I-485 NBC I-485 Signature Unacceptable**

The Form I-485, Application to Register Permanent Residence or Adjust Status, you provided is unacceptable because it was not properly signed by the applicant. The applicant must sign the Form I-485. USCIS policy also requires applicants to sign Form I-485 based on age:

- If **age 14 or older**, the applicant must sign their own Form I-485. A parent, legal guardian or other party may not sign for the applicant. However, a legal guardian may sign for a mentally incompetent person.
- If **under age 14**, the applicant or their parent or legal guardian may sign Form I-485.

Please sign and return the enclosed signature page of Form I-485.

**RFE – I-485 NBC I-601 Needed (FINAL Cleared)**

**USCIS has reviewed your I-485. At this time you have not established eligibility to adjust status because it appears you are inadmissible to the United States pursuant to XXX[Insert INA Section]XXX. XXX[ Insert brief facts to support inadmissibility ]XXX. There is a waiver available for this ground of inadmissibility. To apply for a waiver you must file Form I-601, Application for Waiver of Grounds of Inadmissibility, with USCIS.**

**If you wish to apply for this waiver, you must respond to this notice and submit Form I-601, along with the filing fee. You must establish that a waiver should be granted for humanitarian reasons, to assure family unity or because public interest reasons exist in support your request for a waiver. Note: You must follow the most current filing instructions for Form I-601, which can be found at [www.uscis.gov](http://www.uscis.gov). To access Form I-601 or if you need additional information, please visit the USCIS Web site at [www.uscis.gov](http://www.uscis.gov) or call our USCIS Contact Center toll free at 1-800-375-5283.**

USCIS has reviewed your I-485. At this time you have not established eligibility to adjust status because it appears you are inadmissible to the United States pursuant to XXX[Insert INA Section]XXX. XXX[ Insert brief facts to support inadmissibility ]XXX. Although, there is a waiver available for this ground of inadmissibility, USCIS has no record that you have an approved waiver. USCIS intends to deny your adjustment of status application. To apply for a waiver you must file Form I-601, Application for Waiver of Grounds of Inadmissibility, with USCIS. Note: You must follow the most current filing instructions for Form I-601, which can be found at [www.uscis.gov](http://www.uscis.gov). To access Form I-601 or if you need additional information, please visit the USCIS Web site at [www.uscis.gov](http://www.uscis.gov) or call our USCIS Contact Center toll free at 1-800-375-5283.

**Still needed:**

*Marked married – No evidence to deny  
Evidence of Marriage in File  
Criminal Dispositions*

*I-693 Required Vaccinations not Administered*  
*I-693 Civil Surgeon Inactive or Deceased before Exam*  
*I-485 – Pages Missing*  
*G-28 Part 2 Number 1.b is Blank*  
*G-28 No original Signature*

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**NBC I-485 SIJ Denial - Married after I-360 Approval**

**NBC I-485 SIJ Denial - Court Reunified with Parent after I-360 Approval**

**NBC I-485 SIJ Denial - I-360 Revoked**

**NBC I-485 SIJ Denial - Inadmissible - Health Grounds**

**NBC I-485 SIJ Denial - Inadmissible - CIMT**

**NBC I-485 SIJ Denial - Inadmissible - Controlled Substance**

**NBC I-485 SIJ Denial - Inadmissible - Controlled Substance Trafficker**

**NBC I-485 SIJ Denial - Inadmissible - Multiple Criminal Convictions**

**NBC I-485 SIJ Denial - Inadmissible - Son/Daughter of Controlled Substance Trafficker**

**NBC I-485 SIJ Denial - Inadmissible - Prostitution**

**NBC I-485 SIJ Denial - Inadmissible - Procuring Prostitutes**

**NBC I-485 SIJ Denial - Inadmissible - Commercialized Vice**

**NBC I-485 SIJ Denial - Inadmissible - Significant Trafficker in Persons**

**NBC I-485 SIJ Denial - Inadmissible - Son/Daughter of Significant Trafficker in Persons**

**NBC I-485 SIJ Denial - Inadmissible - Money Laundering**

**NBC I-485 SIJ Denial - Inadmissible - Smuggler**

**NBC I-485 SIJ Denial - EWI after Removal - ICE Reinstated 241(a)(5)**

**NBC I-485 SIJ Denial - EWI after Removal - No ICE Reinstatement**

**NBC I-485 SIJ Denial - EWI after 1 Year Unlawful Presence (a)(9)C**

**NBC I-485 SIJ Denial - Admin Close (Lack of Jurisdiction)**

**NBC I-485 SIJ Denial – Discretion**

**NBC I-485 SIJ Denial – Abandonment Denial**

**I-485 – SIJ NTA Snippet Groups**

**NBC I-485 SIJ NTA – Remain in Lawful Status (In ECHO)**

The evidence of record shows that you are lawfully present in the United States, and are authorized to remain in the United States until the date your status expires, including any extensions. You must continue to comply with all of the conditions that apply to your admission, including any prohibition against engaging in employment that may apply to your status.

To review information regarding your period of authorized stay, check travel compliance, or find information on how to validate your departure from the United States with Customs and Border Protection (CBP), please see: <https://i94.cbp.dhs.gov/i94/#/home>.

**NBC I-485 SIJ NTA –Lawful Status Will Expire Soon (In ECHO)**

The evidence of record shows that your period of authorized stay has not yet expired, but will expire soon. You are authorized to remain in the United States until the date when your period of authorized stay expires, including any extensions. If you fail to depart the United States on or before the date on which your period of authorized stay expires, USCIS may issue you a Notice to Appear and commence removal proceedings against you. That may result in your being removed from the United States and being found ineligible for a future visa or other U.S. immigration benefit. See sections 237(a) and 212(a)(9) of the INA.

To review information regarding your period of authorized stay, check travel compliance, or find information on how to validate your departure from the United States with Customs and Border Protection (CBP), please see: <https://i94.cbp.dhs.gov/i94/#/home>.

**NBC I-485 SIJ NTA –Unlawful Status / Enter Without Inspection (In ECHO)**

The evidence of record shows that you are not lawfully present in the United States and are not otherwise authorized to remain in the United States. If you do not depart the United States within 33 days of the date of this letter, USCIS may issue you a Notice to Appear and commence removal proceedings against you. That may result in your being removed from the United States and found ineligible for a future visa or other U.S. immigration benefit. See sections 237(a) and 212(a)(9) of the INA.

To review information regarding your period of authorized stay, check travel compliance, or find information on how to validate your departure from the United States with Customs and Border Protection (CBP), please see: <https://i94.cbp.dhs.gov/i94/#/home>.

**NBC I-485 SIJ NTA –In Removal Proceedings (In ECHO)**

The evidence of record shows that you are currently in removal proceedings with the Immigration Court. You must appear in Immigration Court for all scheduled hearings before the Immigration Judge.

**I-485 Standard Paragraph's Available in ECHO:**

FOD 485 DEN: 245 General Eligibility - INA 245(a) EWI/PWI
FOD 485 DEN: 245 General Eligibility - INA 245(a) EWI & Matter of Quilantan
FOD 485 DEN: 245 General Eligibility - INA 245(c) Bars
FOD 485 DEN: 245 General Eligibility - INA 245(d) K-1 Nonimmigrant Can Only Adjust Under K Visa
FOD 485 DEN: 245 General Eligibility - INA 245(d) K-2 Nonimmigrant Can Only Adjust Under K Visa
FOD 485 DEN: 245 General Eligibility - INA 245(d) K-1 Nonimmigrant Did Not Marry I-129F Petitioner
FOD 485 DEN: 245 General Eligibility - INA 245(d) K-2 Nonimmigrant, K-1 Did Not Marry I-129F Petitioner
FOD 485 DEN: 245 General Eligibility - INA 245(i) Not Qualified
FOD 485 DEN: 245 General Eligibility - INA 245 Discretionary Only (no other denial grounds)
FOD 485 DEN: 245 General Eligibility - INA 245 Discretionary VWP Overstay with 217 Order
FOD 485 DEN: 245 General Eligibility - INA 245 No Advance Parole Travel
FOD 485 DEN: 245 General Eligibility - INA 245 Visa Petition Denied
FOD 485 DEN: 245 General Eligibility - INA 245 Visa Petition Revoked
FOD 485 DEN: 245 General Eligibility - INA 245 Visa Petition Withdrawn
FOD 485 DEN: 245 General Eligibility - INA 245 Visa Petition Terminated by DOS
FOD 485 DEN: 245 General Eligibility - INA 245 FB Visa Priority Date Unavailable
FOD 485 DEN: 245 General Eligibility - INA 245 EB Visa Priority Date Unavailable
FOD 485 DEN: 245 Derivative Eligibility - Child Over 16 at Time of Adoption
FOD 485 DEN: 245 Derivative Eligibility - Child Over 18 at Time of Sibling's Adoption
FOD 485 DEN: 245 Derivative Eligibility - Child Over 21 & CSPA
FOD 485 DEN: 245 Derivative Eligibility - Stepchild Over 18 at Time of Marriage
FOD 485 DEN: 245 Derivative Eligibility - Child Married
FOD 485 DEN: 245 Derivative Eligibility - Spouse Derivative & Principal Divorced
FOD 485 DEN: 245 Derivative Eligibility - Discretionary Based on Marriage Fraud
FOD 485 DEN: 245 Derivative Eligibility - Principal Application Denied or Withdrawn
FOD 485 DEN: 245 Derivative Eligibility - Principal Naturalized Before Derivative Adjusts Status
FOD 485 DEN: 245 DV General Eligibility - DV6 No Education or Work
FOD 485 DEN: 245 DV General Eligibility - Not Processed in Time
FOD 485 DEN: 245 DV General Eligibility - Visa Unavailable at Time of Filing
FOD 485 DEN: 245 DV General Eligibility - DV6 Fraudulent Birth Document
FOD 485 DEN: 245 DV General Eligibility - DV6 Fraudulent Education Document
FOD 485 DEN: 245 DV General Eligibility - DV7 Not listed on Principal's Lottery Application
FOD 485 DEN: 245 DV General Eligibility - DV7 Child over 21 & CSPA
FOD 485 DEN: LOP Interview No Show
FOD 485 DEN: LOP No Response to RFE
FOD 485 DEN: LOP No Response to NOID
FOD 485 ADMIN/WITH: Admin Close/Withdrawal - INA 245 FB & EB Intro
FOD 485 ADMIN/WITH: Admin Close/Withdrawal - INA 245 DV Intro
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(1) Health (Disease, Vaccine, Disorder)
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(1) Health (Drug Abuser)
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(2)(A)(i)(I) CIMT
FOD DEN 485: 245 Inadmissibility - INA 212(a)(2)(A)(i)(II) Controlled Substance (except 30 g marijuana)
FOD DEN 485: 245 Inadmissibility - INA 212(a)(2)(A)(i)(II) Controlled Substance 30 Grams or Less Marijuana ONLY

FOD DEN 485: 245 Inadmissibility - INA 212(a)(2)(B) Multiple Criminal Convictions
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(2)(C)(i) Controlled Substance Trafficker
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(2)(C)(ii) Spouse, Son, Daughter of Controlled Substance Trafficker
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(2)(D)(i) Prostitution
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(2)(D)(ii) Procuring Prostitution
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(2)(D)(iii) Commercialized Vice
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(2)(E) Exercised Immunity from Prosecution
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(2)(H)(i) Significant Trafficker in Persons
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(2)(H)(ii) Spouse, Son, Daughter of Significant Trafficker in Persons
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(2)(I) Money Laundering
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(3)(D) Communist/Totalitarian Party Member
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(4) FB 485 Public Charge
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(4) EB 485 Public Charge
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(6)(A) Present Without Admission or Parole
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(6)(C)(i) Fraud/Misrepresentation
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(6)(C)(ii) False Claim to US Citizenship
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(6)(D) Stowaway
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(6)(E)(i) Alien Smuggler
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(9)(A) and (C)(i)(II) Aliens Previously Removed and EWI/PWI After Having Been Previously Removed
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(9)(B)(i)(I) Unlawful Presence More than 180 Days but Less than 1 Year
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(9)(B)(i)(II) Unlawful Presence 1 Year or More
FOD 485 DEN: 245 Inadmissibility - INA 212(a)(9)(C)(i)(I) EWI after 1 Year Unlawful Presence