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Subject: Final version of SIJ FAQ for the CHAP
Date: Friday, March 30, 2018 8:46:59 AM
Attachments: [SIJ - FAQs V3 - New Final Paragraph 27MAR2018 occ \(2\).docx](#)

Hi Maureen,

Attached is the final version of the CHAP. The wording that we ultimately agreed on for the paragraph on what evidence is sufficient is:

The burden is on the petitioner to establish eligibility. Generally, a petition should not be denied based on *USCIS'* interpretation of state law, but rather officers should defer to the juvenile court's interpretation of the relevant state laws. For the Form I-360 petition to be approvable, the evidence must establish that the juvenile court based its decision, including whether or not it has jurisdiction to issue the order, on state law rather than federal immigration law. If the court order or evidence submitted does not clearly indicate that the court had jurisdiction to make the required findings under state law, the officer should request that the applicant provide evidence that the court relied on the relevant state law to make the findings. This requirement can be met if the petitioner submits supplemental evidence which could include, for example, a copy of the petition with state law citations, excerpts from relevant state statutes considered by the state court prior to issuing the order, or briefs or legal arguments submitted to the court. Mere copies of, or references to, state laws, and/or briefs or legal arguments drafted in response to a request for evidence provided on their own, are generally not sufficient unless supported by evidence that the court actually relied on those laws when making its findings. However, statutes, procedures or other examples of state legal authority may be sufficient when viewed with the record as a whole. The totality of the evidence should establish that eligibility is more likely than not.

Hopefully will be less rather than more confusing for adjudicators!

Margot

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