UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
100 MONTGOMERY ST., SUITE 800
SAN FRANCISCO, CA 94104

Pangea Legal Services
Villarreal, Mariel
350 Sansome Street
Suite 650
San Francisco, CA 94104

In the matter of   File ██████████   DATE: Apr 25, 2018
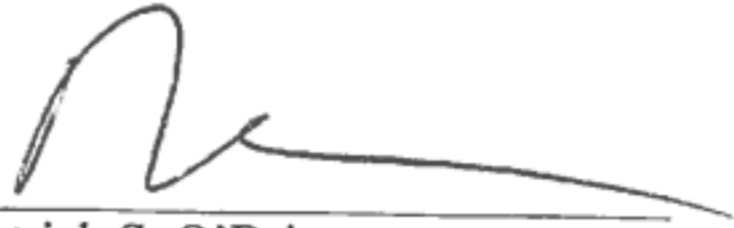██████████████████

___ Unable to forward - No address provided.
___ Attached is a copy of the decision of the Immigration Judge. This decision
    is final unless an appeal is filed with the Board of Immigration Appeals
    within 30 calendar days of the date of the mailing of this written decision.
    See the enclosed forms and instructions for properly preparing your appeal.
    Your notice of appeal, attached documents, and fee or fee waiver request
    must be mailed to: Board of Immigration Appeals
                          Office of the Clerk
                          5107 Leesburg Pike, Suite 2000
                          Falls Church, VA 22041
___ Attached is a copy of the decision of the immigration judge as the result
    of your Failure to Appear at your scheduled deportation or removal hearing.
    This decision is final unless a Motion to Reopen is filed in accordance
    with Section 242b(c)(3) of the Immigration and Nationality Act, 8 U.S.C. §
    1252b(c)(3) in deportation proceedings or section 240(b)(5)(C), 8 U.S.C. §
    1229a(b)(5)(C) in removal proceedings. If you file a motion to reopen, your
    motion must be filed with this court:
                          IMMIGRATION COURT
                          100 MONTGOMERY ST., SUITE 800
                          SAN FRANCISCO, CA 94104
___ Attached is a copy of the decision of the immigration judge relating to a
    Reasonable Fear Review. This is a final order. Pursuant to 8 C.F.R. §
    1208.31(g)(1), no administrative appeal is available. However, you may file
    a petition for review within 30 days with the appropriate Circuit Court of
    Appeals to appeal this decision pursuant to 8 U.S.C. § 1252; INA §242.

___ Attached is a copy of the decision of the immigration judge relating to a
    Credible Fear Review. This is a final order. No appeal is available.

_x_ Other: Attached is Order

                                   _____SC_____
                                   COURT CLERK
                                   IMMIGRATION COURT   FF
   cc: CHEUNG, GRACE
       100 MONTGOMERY STREET, STE 200
       SAN FRANCISCO, CA, 941040000

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
SAN FRANCISCO, CALIFORNIA

In the Matter of:	)	
	)	File Number: ███████████
	)	
H█████████████████	)	
	)	IN REMOVAL PROCEEDINGS
	)	
Respondent	)	Date: April 23, 2018
	)	
_____	)	

On Behalf of the Respondent
Mariel Villarreal, Esq.
Pangea Legal Services
350 Sansome Street, Suite 650
San Francisco, CA 94104

On Behalf of DHS
Grace Cheung, Esq.
Assistant Chief Counsel
100 Montgomery Street, Suite 200
San Francisco, CA 94104

Application: Motion to Determine the Age of the Respondent

WRITTEN DECISION OF THE IMMIGRATION JUDGE

On April 19, 2018, the respondent, through counsel, filed a "Motion for Age Determination", asking the Court to determine whether the respondent is a child or an adult. The Department's position is that the respondent is an adult and that the court does not have jurisdiction to make an age determination. For the reasons stated below, the court finds that it does have jurisdiction to determine the respondent's age, and that the evidence presently in the record establishes by a preponderance that the respondent is under the age of eighteen.

The court has independent authority to resolve disputes relating to a respondent's status as an Unaccompanied Alien Child (UAC). *See* Legal Opinion of EOIR's OGC, EOIR's Authority to Interpret the term Unaccompanied Alien Child for Purposes of Applying Certain Provisions of TVPRA (September 19, 2017). That necessarily includes resolving disputes regarding age.

The court carefully considered and appropriately weighed all of the evidence in the record regarding the respondent's age. The court finds that the evidence weighs more heavily in favor of a finding that the respondent is under the age of eighteen. Specifically, the respondent's birth certificate and consistent assertions of being under eighteen outweigh the dental age test and his use of a different birth date while traveling to the U.S.

The court directs the parties to take appropriate actions consistent with the court's finding.

Patrick S. O'Brien
Immigration Judge