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U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



File: [Redacted] Office: New York

Date: MAR - 7 2001

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

Petition: Petition to Classify Orphan as an Immediate Relative Pursuant to Section for Alien Fiance(e) Pursuant Section 101(b)(1)(F) of the Immigration and Nationality Act, 8 U.S.C. 1101(b)(1)(F)

IN BEHALF OF PETITIONER: [Redacted]

Lawfully do not intend to  
prevent clearly documented  
invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Robert J. Weimann, Acting Director  
Administrative Appeals Office

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**DISCUSSION:** The immediate relative immigrant visa petition was denied by the District Director, New York, New York, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be summarily dismissed.

The Petition to Classify Orphan as an Immediate Relative (Form I-600) was filed on August 5, 1999. The petitioner is a 64 year-old naturalized citizen of the United States, who has never been married. The beneficiary, who at this time is 16 years of age, was born in El Mazunte, Mexico, on October 5, 1984. The beneficiary's biological parents, [REDACTED] and [REDACTED], are still living. The district director denied the petition after determining that the beneficiary does not meet the statutory definition of "orphan" since he has two living, legal parents, who have not abandoned him.

8 C.F.R. 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

On the Notice of Appeal to the Administrative Appeals Unit (Form I-290B), counsel states that he disagrees with the Service's decision in stating that the petitioner has failed to establish that the beneficiary is an orphan within the meaning of the statute. Counsel also indicated that he was submitting a separate brief or evidence to the Administrative Appeals Office within 30 days. Careful review of the record reveals no subsequent submission; all other documentation in the file predates the issuance of the notice of decision.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must be summarily dismissed.

**ORDER:** The appeal is summarily dismissed.