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U.S. Department of Justice
Immigration and Naturalization Service

Identifying information to
**prevent clearly unwarranted
invasion of personal privacy**

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



File: [Redacted] Office: BALTIMORE, OREGON Date: NOV - 4 2002

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

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

IN BEHALF OF APPLICANT:

SELF-REPRESENTED

PUBLIC COPY

INSTRUCTIONS:

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

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director of the Baltimore, Maryland district office denied the immigrant visa petition and the matter is now before the Associate Commissioner for Examinations on appeal. The appeal shall be dismissed pursuant to 8 C.F.R. 103.3(a)(1)(v).

The petitioner filed the Petition to Classify Orphan as an Immediate Relative (Form I-600) with the director on October 5, 2001. The petitioner is a 50-year-old married citizen of the United States. The beneficiary is 13 years old at the present time and was born in Ghana on August 7, 1989. The record indicates that the petitioner and his spouse adopted the beneficiary under the laws of Ghana on August 1, 2001.

The director denied the petition because the petitioner failed to establish that the beneficiary is an orphan as defined at section 101(b)(1)(F) of the Immigration and Nationality Act (the Act).

On the I-290B appeal form that was filed on April 19, 2002, the petitioner states that he is in the process of obtaining additional documents from Ghana. He requests 60 days to submit a brief and/or evidence to the Administrative Appeals Office (AAO). As of this date, however, no additional evidence or information has been received into the record. Therefore, the record is considered complete.

8 C.F.R. 103.3(a)(1)(v) states:

Summary dismissal. 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.

The petitioner has not submitted any additional evidence to overcome the director's objection to the approval of the petition. Therefore, the appeal is summarily dismissed. As always, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner has not met that burden.

ORDER: The appeal is dismissed.