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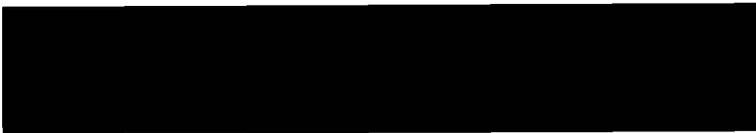
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Office: HELENA, MONTANA (BOISE, ID) Date: **DEC 26 2006**

IN RE: Applicant: DANIEL RAY MCCOWN  
Beneficiary: UNIDENTIFIED CHILD

Application: Application for Advance Processing of Orphan Petition Pursuant to 8 C.F.R. § 204.3(c)

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Application for Advance Processing of an Orphan Petition (Form I-600A) was denied by the District Director, Helena, Montana. The matter was subsequently appealed to the Administrative Appeals Office (AAO). The AAO received two separate files for this case and inadvertently issued two separate decisions on the same appeal, the first dismissing the appeal and the second sustaining the appeal. The matter is now before the AAO for clarification as to which decision is correct.

The AAO decision of February 2, 2006 dismissed the applicant's appeal. A second decision was issued on May 23, 2006 in which the appeal was sustained. After a careful review of both decisions and all of the evidence in the record, the AAO finds that the applicant has proved his eligibility for the benefit sought and the decision of May 23, 2006 remains in effect. The appeal will therefore be sustained.

**ORDER:** The appeal is sustained, and the underlying petition granted.