U.S. Department of Homeland Security
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Washington, DC 20529

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U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: BALTIMORE DISTRICT OFFICE Date: JUL 28 2004
BAL 04 005 50020

IN RE: Petitioner:
Beneficiary: [redacted]

Application: 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)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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, Director
Administrative Appeals Office

DISCUSSION: The District Director, Baltimore, Maryland District Office, denied the preference visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a naturalized citizen of the United States who seeks to adopt the son of his deceased brother. The beneficiary was born in Kenya and is now 7-years old. The beneficiary is in the legal custody of an uncle in Kenya. The petitioner adopted the beneficiary in Kenya on April 17, 2003. The petitioner filed a Form I-600 on October 7, 2003. The director issued a Notice of Intent to Deny the Petition and subsequently denied the petition, finding that the petitioner had failed to establish that the beneficiary is the subject of a full and final adoption.

The petitioner filed a timely appeal on February 4, 2004 and requested an additional 90 to 120 days to submit additional evidence. The director granted the petitioner an extension of time in which to submit additional evidence. As of the date of this decision, nothing more has been submitted to the record. More than five months have lapsed since the date of the appeal.

The petitioner failed to address specifically the grounds for denial set forth in the decision of the director.

The regulation at 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.

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

ORDER: The appeal is dismissed.