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U.S. Citizenship
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FILE:



Office: EL PASO, TX

Date:

JUL 03 2008

IN RE: Petitioner:

Beneficiary:



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)

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Petition to Classify Orphan as an Immediate Relative was denied by the District Director, El Paso, Texas. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner filed the Form I-600, Petition to Classify Orphan as Immediate Relative on March 19, 2004. The district director issued a Notice of Intent to Deny the Petition, citing the lack of a full and final adoption of the beneficiary. The petitioner responded to the director's notice stating that he was willing to obtain a full and final adoption, but that the process would take several months. The Form I-600 was denied on February 25, 2005 for failure to establish that there was a full and final adoption.

On appeal, the petitioner indicates that he would be submitting evidence of the beneficiary's full adoption within 120 days. There is no such evidence in the file currently before the AAO.¹ The appeal is not accompanied by a brief or any other evidence.

8 C.F.R. § 103.3(a)(1) states in pertinent part that:

(v) 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 AAO finds that the petitioner's appeal fails to identify any erroneous conclusion of law or statement of fact in the district director's decision. The AAO further finds that the petitioner has failed to establish that the beneficiary is an "orphan" as defined in the Immigration and Nationality Act (the Act).² Specifically, the petitioner has failed to establish, among other things, that the beneficiary's parents are incapable of providing proper care as required by the Act and the regulations at 8 C.F.R. § 204.3(b). The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.

¹ The AAO notes that the file contains a letter dated November 27, 2006, indicating that the petitioner had submitted a Plenary Adoption Decree on September 19, 2005. A Plenary Adoption Decree is not in the file currently before the AAO.

² Section 101(b)(1)(F) of the Act defines "orphan" in pertinent part as:

(i) a child, under the age of sixteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 201(b), who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care and has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings; or who is coming to the United States for adoption by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age, who have or has complied with the preadoption requirements, if any, of the child's proposed residence ...