

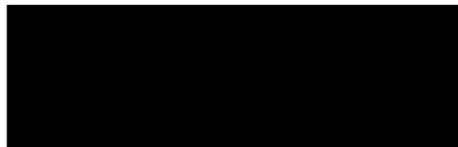
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Services

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FILE:



Office: TAMPA

Date:

NOV 24 2008

IN RE: Petitioner:

Beneficiary:



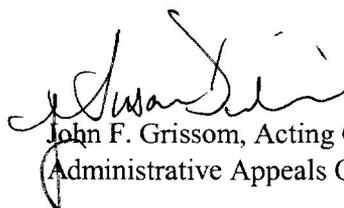
PETITION: Petition to Classify Orphan as an Immediate Relative Pursuant to Section 101(b)(1)(F) of the Immigration and Nationality Act, 8 U.S.C. 1101(b)(1)(F)

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.


John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The Director, Tampa, denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner filed the Petition to Classify Orphan as an Immediate Relative (I-600 Petition) on July 10, 2007. The beneficiary was born in the Dominican Republic on [REDACTED] and, at the time the I-600 Petition was filed in her behalf, resided in the Dominican Republic with the petitioner's mother-in-law.

The director denied the I-600 Petition on November 20, 2007, finding that the beneficiary did not meet the requirements of the definition of "orphan" under section 101(b)(1)(F) of the Immigration and Nationality Act (the Act); 8 U.S.C. § 1101(b)(1)(F). Specifically, the director denied the I-600 Petition based on a determination that the beneficiary had two living biological parents who had not "abandoned" the beneficiary or "relinquished their parental rights" as required, but rather had designated the petitioner and his spouse, the prospective adoptive parents, as guardians for the care and eventual adoption of the beneficiary. The director's decision provided the relevant law and regulations, noting that "abandonment by both parents" is a defined term in the regulations. The decision cited to 8 C.F.R. § 204.3(b), explaining:

Abandonment by both parents means that the parents have willfully forsaken all parental rights, obligations, and claims to the child, as well as all control over and possession of the child, without intending to transfer, or without transferring, these rights to any specific person(s). . . . Similarly, the relinquishment or release of the child by the parents to a third party for custodial care in anticipation of, or preparation for, adoption does not constitute abandonment unless the third party (such as a governmental agency, a court of competent jurisdiction, an adoption agency, or an orphanage) is authorized under the child welfare laws of the foreign-sending country to act in such a capacity.

On appeal, the petitioner does not dispute the director's findings, but instead submits a statement confirming the basis for denial. *Statement by* [REDACTED] dated December 14, 2007. In his statement, the petitioner claims that he and his wife requested that the biological parents relinquish their parental rights to them, the prospective adoptive parents, when the beneficiary was six months old, and that the biological parents gave up their parental rights in 2002. The petitioner also submits a copy of his mother-in-law's death certificate, noting that she had cared for the beneficiary in the Dominican Republic and that, with her death, there is more urgency for the adoption. The petitioner also supplemented the record by submitting an order by the "Supreme Court of Children and Adolescent[s] of the Judicial District of Santo Domingo," dated June 3, 2008, confirming that the beneficiary's biological parents granted custody of their daughter, the beneficiary, to her aunt and uncle (the petitioner and his wife) by mutual agreement on May 6, 2008.

8 C.F.R. § 103.3(a)(v) states, in pertinent part, "*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 director's decision. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.