U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

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[redacted]

FILE: [redacted] Office: HO CHI MINH CITY, VIETNAM Date: DEC 07 2009
AAO 10 027 50010

IN RE: Petitioner: [redacted]
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:

[redacted]

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The field office director denied the Form I-600, Petition to Classify Orphan as an Immediate Relative and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner seeks classification of an orphan as an immediate relative pursuant to section 101(b)(1)(F) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(b)(1)(F).

The field office director denied the petition on August 25, 2009, and counsel submitted a timely appeal on September 23, 2009. Although counsel marked the box at section two of the Form I-290B to indicate that a brief and/or additional evidence would be sent within 30 days, she also indicated that she would be submitting a motion to extend the timeframe during which to submit such brief and/or additional evidence. In her September 17, 2009 letter, counsel's legal assistant notified the field office director that both a brief and additional evidence would be submitted directly to the AAO. The AAO never received counsel's motion to extend the timeframe during which to submit a brief,[1] nor did it receive a brief and/or additional evidence. Accordingly, the AAO deems the record complete and ready for adjudication.

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. 8 C.F.R. § 103.3(a)(1)(v). The appeal, which consists of the Form I-290B and the aforementioned September 17, 2009 letter from counsel's legal assistant, fails to identify any specific erroneous conclusion of law or statement of fact. Rather, counsel's appeal consists of a repetition of the grounds of the field office director's denial and statements that the petitioner would overcome such grounds. No evidence or arguments to overcome those grounds of denial, however, was made on the Form I-290B and, as noted, no brief or additional evidence was submitted. Accordingly, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not sustained that burden.

ORDER: The appeal is summarily dismissed. The petition is denied.

[1] In any event, given that the field office director issued her decision on August 25, 2009, counsel and the petitioner have now had over three months during which to prepare their appellate submission to the AAO.