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**U.S. Citizenship  
and Immigration  
Services**

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FILE: OFFICE: BALTIMORE, MD Date: **FEB 10 2009**

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.

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).

A handwritten signature in black ink, appearing to read "John F. Grissom".

John F. Grissom, Acting Chief  
Administrative Appeals Office

**DISCUSSION:** The District Director, Baltimore, revoked the approval of the petitioner's Form I-600, Petition to Classify Orphan as an Immediate Relative Pursuant to Section 101(b)(1)(F) of the Immigration and Nationality Act (I-600 Petition), on July 1, 2008. The matter is presently before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn, and the matter remanded to allow the petitioner to provide the results of DNA testing.

The petitioner, [REDACTED], and his wife, [REDACTED], are U.S. citizens. The beneficiary was born in Nigeria on March 16, 2003 and adopted by [REDACTED] on January 9, 2004. The petitioner filed the I-600 Petition on June 25, 2004, which was approved on December 8, 2004. However, based on a subsequent field investigation in Nigeria, the U.S. Consulate in Lagos, Nigeria, determined that the beneficiary was not an orphan but rather a member of the petitioner's family who lived with his own family in Nigeria, and that the adoption was not genuine. Based on this derogatory information, U.S. Citizenship and Immigration Services (USCIS) revoked its prior approval of the I-600 Petition.

On appeal, the petitioner claims that the derogatory information is based on misinformation and miscommunication between the investigator and his family members in Nigeria and further miscommunication based on faulty information provided to Nigerian officials involved in this case. The AAO notes that there is no dispute as to the authenticity of the adoption document in the record, but that the decision to revoke was primarily based on a conclusion that the beneficiary was not "abandoned" as claimed by the petitioner and Nigerian officials, but was related to [REDACTED] and that officials, when confronted with this conclusion were not able to confirm the validity of the adoption. In response, the petitioner stated that the entire family is willing to take DNA tests to prove that there is no blood relationship.

The results of DNA tests would either confirm or contradict the primary basis for the decision to revoke the I-600 Petition, and would be determinative in this case. The matter will, therefore, be remanded to provide the petitioner an opportunity to submit this additional evidence. The director's decision of July 1, 2008 is withdrawn. Should a new decision, taking into account the new evidence or in the event of failure to provide such evidence, be adverse to the petitioner, it shall be certified to the AAO.

**ORDER:** The director's decision of July 1, 2008 is withdrawn; the case is remanded for further action in compliance with this decision.