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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

DATE: **DEC 09 2013** OFFICE: GUATEMALA CITY, GUATEMALA FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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

ON BEHALF OF PETITIONER:

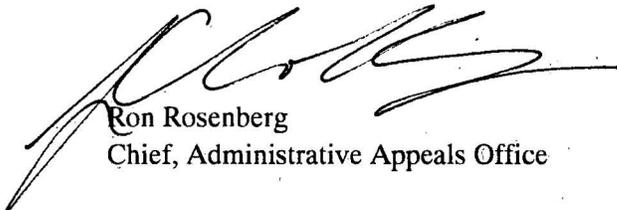
SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,


Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Guatemala City, Guatemala Field Office Director (“the director”) denied the Petition to Classify Orphan as an Immediate Relative (Form I-600). The Administrative Appeals Office (AAO) dismissed a subsequent appeal and affirmed its decision to deny the petition on ten separate occasions in response to subsequent motions to reopen or reconsider. The matter is again before the AAO on a motion to reconsider. The motion will be dismissed. The appeal will remain dismissed and the petition will remain denied.

The petitioner seeks classification of an orphan as an immediate relative pursuant to section 101(b)(1)(F)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(b)(1)(F)(i). The director denied the petition because the petitioner failed to establish the beneficiary’s identity and show that the minor biological mother and her guardian(s), in writing, irrevocably released the beneficiary for emigration and adoption. The AAO dismissed the petitioner’s appeal on July 22, 2008 and determined that the petitioner failed to establish that the beneficiary is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both of his biological parents, or that his biological mother is a “sole parent” who is incapable of providing proper care. The AAO has since affirmed its decision ten times in response to the petitioner’s prior motions.

With the present motion, the petitioner and his wife reassert in a joint statement that the filing of the motion is to preserve the petitioner’s eligibility as a “grandfathered” case pursuant to unspecified U.S. Citizenship and Immigration Services (USCIS) policies and procedures. The petitioner and his wife also assert that they have filed a complaint against Guatemala with the Inter-American Commission on Human Rights because the beneficiary was forced to return to his birth mother.

A motion to reconsider must: (1) state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or USCIS policy; and (2) establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

On motion, the petitioner asserts that the government of Guatemala has violated “All International Human Rights of Children.” The petitioner provided a copy of a receipt for his complaint with the Organization of American States’ Inter-American Commission on Human Rights.¹ The AAO has no jurisdiction to review these issues, as they do not relate to the beneficiary’s eligibility to be classified as an orphan under section 101(b)(1)(F)(i) of the Act. The petitioner does not cite precedent decisions to establish that the AAO’s prior decision incorrectly applied the pertinent law or agency policy. Nor does he show that the AAO’s prior decision was erroneous based on the evidence of record at the time. Consequently, the motion to reconsider must be dismissed. *See* 8 C.F.R. § 103.5(a)(4) (a motion that does not meet the applicable requirements shall be dismissed). The ten prior decisions

¹ The petitioner also submitted a document in Spanish without a corresponding certified English language translation. Because the petitioner failed to submit a certified translation of the document, the AAO cannot determine whether the evidence is relevant to the instant motion. *See* 8 C.F.R. § 103.2(b)(3). Accordingly, the evidence is not probative and will not be accorded any weight in this proceeding.

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NON-PRECEDENT DECISION

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of the AAO are affirmed and the appeal will remain dismissed.

ORDER: The motion is dismissed. The petition remains denied.