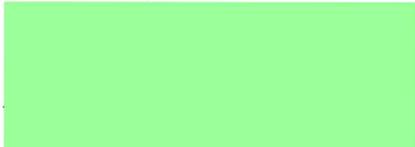




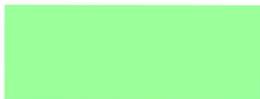
U.S. Citizenship
and Immigration
Services

(b)(6)

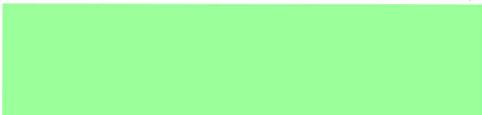


DATE: FEB 27 2013

OFFICE: NATIONAL BENEFITS CENTER



IN RE: Petitioner:
Beneficiary:



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 in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630, or a request for a fee waiver. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director of the National Benefits Center (the director) initially approved the Petition to Classify Orphan as an Immediate Relative (Form I-600) but ultimately revoked the approval after proper notice. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily 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).

After the director initially approved the Form I-600 in November 2010, the U.S. Department of State (DOS) initiated an investigation into the matter and found that the beneficiary was not an orphan because, despite having been adopted by the petitioner in 2005, the beneficiary remained living with his biological mother, the surviving parent. DOS recommended revocation of the approval of the Form I-600 and the director issued a Notice of Intent to Revoke (NOIR) the petition on June 7, 2012 to which the petitioner responded. In the notice of revocation, dated July 19, 2012, the director stated that approval of the Form I-600 was being revoked because the petitioner had failed to establish that the biological mother was incapable of providing proper care to the beneficiary consistent with the local standards in Haiti. According to the director, in his response to the NOIR, the petitioner did not provide any evidence of the local living standards and how the birth mother's situation compared to others in her community at the time of the adoption. On appeal, the petitioner states that the biological mother's inability to provide proper care is evidenced by a statement that she prepared in 2007. The petitioner submits copies of documents already included in the record, including the biological mother's 2007 statement.

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). In his NOIR and the notice of revocation, the director specified the deficiencies in the record and explained why the relevant evidence failed to establish that the beneficiary's biological mother was incapable of providing proper care to the beneficiary. Although the petitioner disagrees with the director's ultimate determination, he does not identify any specific, erroneous conclusion of law or statement of fact in the director's decision, or submit new evidence on appeal. Consequently, the appeal must be summarily dismissed.

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