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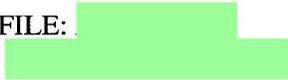
U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090

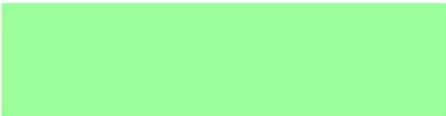
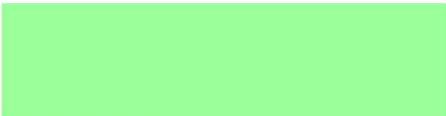


U.S. Citizenship  
and Immigration  
Services



DATE: **JUN 10 2013** OFFICE: NATIONAL BENEFITS CENTER

FILE: 

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. 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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

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 its approval after proper notice. The Administrative Appeals Office (AAO) summarily dismissed a subsequent appeal, and reopened the proceedings on a Service motion. The AAO's prior decision to summarily dismiss the appeal will be affirmed.<sup>1</sup> Approval of the petition will remain revoked.

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 initially approving the Form I-600 in June 2009, the U.S. Department of State (DOS) initiated an investigation into the matter and found that the beneficiary was not an orphan because the adoption order had not been properly registered with the authorities in Cameroon. The director's decision to revoke approval of the petition is based upon the petitioner's inability to provide to U.S. Citizenship and Immigration Services (USCIS) an authentic adoption order from Cameroon. On appeal, the petitioner stated that all pending adoption matters in the northwest region of Cameroon had been adjourned until October 2012 and submitted no further evidence to support her appeal.

The AAO summarily dismissed the petitioner's appeal but reopened those proceedings on a Service motion pursuant to 8 C.F.R. § 103.5(a)(5)(ii) due to an error in the prior decision. The AAO afforded the petitioner 33 days to submit a brief or evidence addressing the issues raised in the director's NOIR.

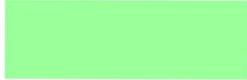
In response, the petitioner submitted a letter from an attorney in Cameroon, dated April 30, 2013, who stated that he was informed by the "legal department" in Bamenda, Nkambe, Cameroon, that "they have received firm instructions not to prosecute any adoption application before the courts for reasons not explained to us." Both the attorney and the petitioner request that USCIS hold adjudication of the appeal in abeyance until an adoption can be finalized.

The AAO will not hold the adjudication of the appeal in abeyance. Although the petitioner's counsel in Cameroon states that adoption proceedings are being held in abeyance at the direction of the authorities in Bamenda, Nkambe, Cameroon, the petitioner provides no evidence to support her assertions, and this information is inconsistent with that provided by the Department of State on its website regarding adoptions in Cameroon.<sup>2</sup> Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

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<sup>1</sup> As stated in its Service motion to reopen and reconsider, although the AAO summarily dismissed the appeal of the beneficiary's sibling, the AAO would not be reopening or reconsidering those proceedings, as there was no error in the sibling's decision.

<sup>2</sup> Please see the Cameroon page at [www.adoptions.state.gov](http://www.adoptions.state.gov).



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The regulation at 8 C.F.R. § 103.3(a)(1)(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 petitioner does not identify any specific erroneous conclusion of law or statement of fact in the director's decision to revoke approval of the Form I-600, and the AAO has received no evidence or brief in support of the appeal that relates to the substantive issues of why approval of the petition should not be revoked. Accordingly, the appeal must be summarily dismissed.

**ORDER:** The prior decision of the Administrative Appeals Office is affirmed. The appeal remains summarily dismissed.