

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. A3042
Washington, DC 20529



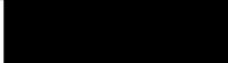
U.S. Citizenship
and Immigration
Services

Fr

PUBLIC COPY



FILE:



Office: SAN FRANCISCO (FRESNO)

Date: SEP 13 2006

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Petition to Classify Orphan as an Immediate Relative was denied by the District Director, San Francisco, California. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner filed a Petition to Classify Orphan as an Immediate Relative (I-600 Petition) on March 2, 2004. The district director concluded that the beneficiary, [REDACTED] did not meet the requirements of the definition of "orphan" under section 101(b)(1)(F) of the Immigration and Nationality Act (INA or the Act), 8 U.S.C. 1101(b)(1)(F). The petition was denied accordingly.

The decision of the district director included relevant provisions of the Act and of the U.S. Code of Federal Regulations (C.F.R.) pertaining to the adoption of orphans, noting that a child who meets the definition of "orphan" under section 101(b)(F) of the Act is eligible for classification as an immediate relative of a U.S. citizen; and the definition requires that the child be under 16 at the time the I-600 Petition is filed in his behalf, or under 18 if he is the natural sibling of an "orphan." The beneficiary's birth certificate indicates that he was born in Fiji on January 9, 1984. He was 20 years old when the I-600 Petition was filed. The district director correctly determined that the applicant did not therefore meet the definition of "orphan" under the Act and was ineligible for classification as an immediate relative on that basis.

On appeal, the petitioner does not disagree with the finding of ineligibility, but asserts that despite the beneficiary's ineligibility, the I-600 Petition should be granted because [REDACTED] was legally adopted in Fiji, he should have the same opportunities as the petitioner's other children in the United States have, and he is being supported by the petitioner. These factors do not change the fact that [REDACTED] is not an "orphan" under the Act. No other evidence or information was submitted on appeal.

8 C.F.R. § 103.3(a)(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 AAO finds that the petitioner's appeal fails to identify any erroneous conclusion of law or statement of fact in the district director's decision. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.