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U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

[redacted]

Public Copy

File: [redacted] Office: BOSTON DISTRICT OFFICE (HAR) Date: 2 8 NOV

IN RE: Petitioner: [redacted]
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)

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

IN BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:
This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of $110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The District Director, Boston, originally approved the visa petition to classify the beneficiary as an immediate relative. Pursuant to a consular investigation, the director determined that the beneficiary was not eligible for the benefit sought. Accordingly, the director served the petitioner with notice of his intent to revoke the approval of the preference visa petition, and ultimately revoked the approval of the petition on September 25, 2000 after proper notice. The matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed pursuant to 8 C.F.R. 103.3(a)(1)(v).

The petitioner filed the Petition to Classify Orphan as an Immediate Relative (Form I-600) on December 29, 1998. Currently, the petitioner, who is a United States citizen, is 42 years old and married. The beneficiary is 17 years old at the present time and was born in Alexandria, Egypt on June 2, 1984.

The director denied the petition after determining that the beneficiary did not meet the statutory definition of orphan.

On the Form I-290B that the petitioner filed on October 13, 2000, the petitioner requested 60 days in order to obtain documents from Egypt in support of his claim that the beneficiary's mother was incapable of providing for the beneficiary's basic needs. More than 1 year has passed since the petitioner made this statement, and the record does not contain the additional evidence that the petitioner said would be forthcoming. Therefore, the record is considered complete.

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 has not presented any evidence to overcome the director's reasons for revocation. Specifically, the petitioner has not addressed the director's finding that the beneficiary's mother has been gainfully employed by the same company for the past 27 years and is, therefore, able to provide for the beneficiary's basic needs. As the petitioner has not identified any erroneous conclusion of law or statement of fact for the appeal, the appeal will be summarily dismissed in accordance with 8 C.F.R. 103.3(a)(1)(v).

The burden of proof in this proceeding rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner has not sustained that burden.

ORDER: The appeal is dismissed.