



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 24307316

Date: JAN. 24, 2023

Appeal of National Benefits Center Decision

Form I-600, Petition to Classify Orphan as an Immediate Relative

The Petitioner, a U.S. citizen, seeks to classify an orphan as an immediate relative under 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 of the National Benefits Center denied the Form I-600, Petition to Classify Orphan as an Immediate Relative. The matter is now before us on appeal. 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

An orphan is defined as a child, under the age of 16 at the time a petition is filed on their behalf, who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care and has in writing irrevocably released the child for emigration and adoption, provided that the Secretary of Homeland Security is satisfied that proper care will be furnished if the child is admitted to the United States. Section 101(b)(1)(F)(i) of the Act.

In relevant part, a petitioner must establish compliance with the requirement of the Intercountry Adoption Universal Accreditation Act of 2012 (UAA), Pub. L. No. 112-276 (2012), that they have engaged the services of a primary adoption provider accredited by the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption or are exempt from this requirement. *See* 42 U.S.C. § 14925(a) (explaining that “[t]he provisions . . . shall apply to any person offering or providing adoption services in connection with a child described in section [101(b)(1)(f) of the Act] to the same extent as they apply to the offering or provision of adoption services in connection with a Convention adoption.”); 22 C.F.R. § 96.1 (“This part provides for the accreditation and approval of agencies and persons pursuant to the . . . [UAA]”). Additionally, a petitioner must submit evidence that the orphan was the subject of a full and final adoption in accordance with the laws of the foreign-sending country. 8 C.F.R. § 204.3(d)(1)(iv). As applicable to this case, the U.S. Department of State explains that “[t]here are two types of adoptions in Cameroon: a full or plenary adoption and a simple adoption. Only a full or plenary adoption qualifies as a full and final adoption for U.S. immigration law purposes.” U.S. Department of State, Cameroon Intercountry Adoption

Information: How to Adopt, <https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption/Country-Information.html#:~:text=To%20bring%20an%20adopted%20child,States%20under%20U.S.%20immigration%20law>.

The Petitioner filed the orphan petition on behalf of the Beneficiary, her niece, whom she adopted in Cameroon in 2016. The Director issued a request for evidence, noting that the Petitioner had not demonstrated compliance with the UAA or that she was exempt from such requirement. The Director considered the Petitioner's reply and subsequently issued a notice of intent to deny, requesting an updated Hague-compliant home study, evidence that the home study was reviewed and approved by an accredited agency, evidence that the Petitioner engaged a primary adoption service provider, and evidence of a full and final adoption. After considering the Petitioner's response, the Director denied the orphan petition based on a determination that the Petitioner did not submit sufficient evidence to meet her burden of showing that she engaged the services of a primary adoption service provider or is exempt from such requirement, and that her adoption of the Beneficiary was full and final under the laws of Cameroon.

On appeal, the Petitioner does not address the Director's determination that she did not submit evidence of a full and final adoption, as 8 C.F.R. § 204.3(d)(1)(iv) requires. Issues or claims that are not raised on appeal are deemed to be waived. *See Graves v. Finch Pruyn & Co.*, 457 F.3d 181, 184 (2d Cir. 2006) (declining to consider an argument the plaintiff did not raise on appeal); *Zhang v. Gonzales*, 426 F.3d 540, 546 n.7 (2d Cir. 2005) (stating that a claim not addressed in an appeal brief is deemed abandoned); *Norton v. Sam's Club*, 145 F.3d 114, 117 (2d Cir. 1998) (explaining that "[i]ssues not sufficiently argued in the briefs are considered waived and normally will not be addressed on appeal."). Accordingly, the Petitioner has not established that she has provided evidence of a full and final adoption, which is required to classify the Beneficiary as an immediate relative under section 101(b)(1)(F)(i) of the Act.

Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments regarding whether she complied with the requirements of the UAA or is exempt from those requirements. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

ORDER: The appeal is dismissed.