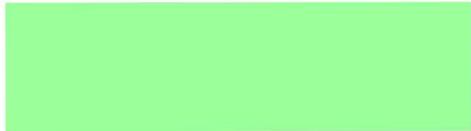
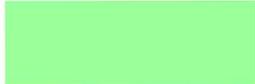


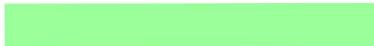


U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **JUL 16 2014** Office: NATIONAL BENEFITS CENTER File: 

IN RE: Applicant: 

APPLICATION: Application for Determination of Suitability to Adopt a Child from a Convention Country Pursuant to 8 C.F.R. § 204.310

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,


Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director of the National Benefits Center (the director) denied the Application for Determination of Suitability to Adopt a Child from a Convention Country (Form I-800A), and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed. The application will remain denied.

Facts and Procedural History

The director determined that the applicant failed to submit a home study report that complied with the regulation at 8 C.F.R. § 204.311, and a statement concerning the applicant's criminal history that met the requirements of 8 C.F.R. § 204.311(c)(12). The application was denied accordingly. On appeal, the applicant submits, in pertinent part, statements of criminal history for himself and his wife and evidence of an adoption for a child from Ecuador.

Applicable Law

The regulation at 8 C.F.R. § 204.310(a)(3)(viii) reflects that "a home study that meets the requirements of 8 C.F.R. 204.311" is required when filing a Form I-800A. The regulation at 8 C.F.R. § 204.311 states, in pertinent part:

(b) Only an individual or entity defined under 8 C.F.R. 204.301 as a home study preparer for Convention causes may complete a home study for a Convention adoption.

A *home study preparer* is defined, in pertinent part, at 8 C.F.R. § 204.301 as, "a person . . . authorized under 22 C.F.R. part 96 to conduct home studies for Convention adoption cases[.]"

We conduct appellate review on a *de novo* basis. See *Soltane v. DOJ*, 381 F.3d 143,145 (3d Cir. 2004).

Analysis

In order to satisfy the regulatory home study requirements, the applicant submits evidence prepared by the [REDACTED] in Ecuador and a February 9, 2011, adoption order from the Ministry of [REDACTED] in [REDACTED] Ecuador. The record does not contain a home study report prepared by a *home study preparer*, as that term is defined at 8 C.F.R. § 204.301. The Form I-800A therefore remains denied.

Conclusion

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is dismissed. The application remains denied.