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U.S. Department of Homeland Security  
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U.S. Citizenship  
and Immigration  
Services

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H1



FILE:



Office: LIMA, PERU

Date: DEC 11 2007

IN RE:



APPLICATION: Application for Waiver of Grounds of Inadmissibility under section 212(a)(2)(D)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(2)(D)(i)

ON BEHALF OF APPLICANT:

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 cursive script, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the Officer-in-Charge (OIC), Lima, Peru, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant, a citizen of Brazil, was found inadmissible to the United States under section 212(a)(2)(D)(i) of the Act, 8 U.S.C. § 1182(a)(2)(D)(i), for having engaged in prostitution. The applicant is the spouse of a United States citizen and seeks a waiver of inadmissibility pursuant to section 212(a)(9)(B)(v) of the Act, 8 U.S.C. § 1182(a)(9)(B)(v), in order to return to the United States and rejoin her husband.

The OIC concluded that the applicant had failed to establish that extreme hardship would be imposed on any qualifying relatives and denied the Form I-601, Application for Waiver of Grounds of Inadmissibility. On appeal, the applicant contends that her husband will suffer extreme hardship if the applicant is required to remain in Mexico. The entire record was reviewed and considered in rendering a decision on the appeal.

As a preliminary matter, the AAO notes that, although it appears as though the applicant had the assistance of an attorney in completing the Form I-601, a Form G-28, Notice of Entry of Appearance by an Attorney or Representative was not submitted. Accordingly, the attorney will not be notified of this proceeding.<sup>1</sup>

The applicant's husband submitted the Form I-290B on August 26, 2005. He marked the box at section two of the Form I-290B to indicate that a brief and/or evidence would be sent within thirty days. The AAO did not receive this additional brief and/or evidence. As such, the AAO sent a follow-up letter on September 13, 2007, requesting that the brief and/or additional evidence be sent within five business days.

No response was received. Thus, the AAO deems the record complete and ready for adjudication.

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. 8 C.F.R. § 103.3(a)(1)(v).

The only new document submitted on appeal is the Form I-290B, which states the following:

I am submitting this appeal because, after reading your letter of denial, believe that your denial was based off of incorrect information. I will submit a detailed response within 30 days.

The applicant has failed to identify any specific erroneous conclusion of law or statement of fact for the appeal. As no additional evidence is presented on appeal to overcome the decision of the OIC, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

The burden of proof in these proceedings 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. The petition is denied.

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<sup>1</sup> The AAO also notes that the Form I-290B, Notice of Appeal, was prepared without the assistance of the attorney.