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U.S. Citizenship
and Immigration
Services

[Redacted]

FILE: [Redacted] Office: LOS ANGELES DISTRICT OFFICE Date: OCT 26 2014

IN RE: [Redacted]

APPLICATION: Application for Waiver of Grounds of Inadmissibility under Section 212(h) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1182(h)

ON BEHALF OF APPLICANT:

[Redacted]

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.

Robert P. Wiemann

Robert P. Wiemann, Director
Administrative Appeals Office

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prevent [redacted]
[redacted]

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DISCUSSION: The waiver application was denied by the District Director, Los Angeles. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant is a native and citizen of Mexico. The applicant was found inadmissible to the United States pursuant to section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act (INA, the Act), 8 U.S.C. § 1182(a)(2)(A)(i)(I). The record reflects that the applicant is the spouse of a U.S. citizen and father of four U.S. citizen children. The applicant seeks a waiver of inadmissibility in order to remain in the United States with his wife and children.

The district director indicated that the record reflected that the applicant is the sole financial support for his U.S. citizen wife and four U.S. citizen children. It was nevertheless concluded that, although he “may have” established extreme hardship to his qualifying relatives, the applicant was statutory ineligible for a waiver. *Decision of the District Director* (September 23, 2003), at 2-3. The district director found that his admission would be “contrary to the national welfare, safety, or security of the United States” due to his criminal history, which includes convictions for one felony and eight misdemeanors, including five offenses of driving under the influence of alcohol (in 1981, 1982, 1983, 1992, and 1997), misdemeanor theft in 1982, a 1988 misdemeanor controlled substance violation, unlicensed driving in 1984, and felony unlawful sexual intercourse in 1984. *See* INA § 212(h)(1)(A)(ii), 8 U.S.C. § 1182(h)(1)(A)(ii). *Id.*, at 2-3. Further, the district director found that the applicant was ineligible for a favorable exercise of discretion, also due to his criminal history and in particular, his conviction for “unlawful sexual intercourse with a minor.” *Id.*, at 3. The application was denied accordingly.

On appeal, counsel does not contest the inadmissibility determination. Rather, contends that the district director erred by failing to “balance the favorable and unfavorable factors.” Form I-290B, *Notice of Appeal to the Administrative Appeals Unit (AAU)* (filed October 24, 2003). The AAO notes that, although counsel indicated that a more detailed brief would be submitted within 30 days of filing the appeal, as of this date, the record does not contain the brief or any supplemental evidence. Therefore, the record is considered complete, and the AAO shall render a decision based upon the evidence before it at the present time.

Appeals to the AAO may not be pursued merely as an additional opportunity to present the same case to a different adjudicating body. Regulations governing these proceedings, 8 C.F.R. § 103.3(a)(v), state in pertinent part:

(v) 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 Notice of Appeal fails to specifically identify any erroneous conclusion of law or statement of fact in the district director’s decision below. The bald statement that the district director failed to balance the discretionary factors is insufficient to raise an issue that can be adjudicated on appeal.

The applicant’s notice of appeal will therefore be dismissed pursuant to 8 C.F.R. § 103.3(a)(v).

ORDER: The appeal is dismissed.