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FILE:

Office: MIAMI, FLORIDA

Date: APR 07 2005

IN RE:

Applicant:

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

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The waiver application was denied by the District Director, Miami, Florida. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reconsider. The motion will be dismissed and the previous decisions of the District Director and the AAO will be affirmed.

The applicant is a native and citizen of Haiti who was found to be inadmissible to the United States under § 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for having sought to procure a benefit under the Act by fraud or willful misrepresentation. The applicant is married to a citizen of the United States, and he seeks a waiver of inadmissibility pursuant to § 212(i) of the Act, 8 U.S.C. § 1182(i), in order to remain in the United States with his spouse.

The district director concluded that the applicant had failed to establish that extreme hardship would be imposed upon a qualifying relative and denied the application accordingly. The AAO affirmed the district director's decision on appeal.

In the present motion to reconsider, the applicant asserts that he and his wife have lived together for a long time, and that he is unfamiliar with the law. He also notes that the United States is a land of forgiveness and justice. The applicant does not identify any legal errors in the prior AAO or district director decisions, and fails to submit any new information or evidence on motion to reconsider.

8 C.F.R. § 103.5(a) states in pertinent part:

(a) Motions to reopen or reconsider

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(2) Requirements for motion to reopen. A motion to reopen must state the new facts to be proved in the reopened proceeding and be supported by affidavits or other documentary evidence.

.....

(3) Requirements for motion to reconsider. A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy. A motion to reconsider a decision on an application or petition must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision.

(4) Processing motions in proceedings before the Service. A motion that does not meet applicable requirements shall be dismissed

.....

The prior AAO and district director decisions thoroughly addressed all the apparent issues presented, and the applicant failed to establish any error in the AAO or district director's decisions. Because the applicant failed to identify any erroneous conclusion of law or statement of fact, the motion will be dismissed.

ORDER: The appeal is dismissed and the previous decisions of the District Director and the AAO will be affirmed.