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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

H/2

FEB 17 2005

FILE:

[REDACTED]

Office: LOS ANGELES

Date:

FEB 17 2005

IN RE:

[REDACTED]

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

ON BEHALF OF PETITIONER:

[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

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

The record reflects that on August 22, 2003, the acting district director found that the applicant was inadmissible to the United States under section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for having committed fraud in connection with her attempted entry into the United States through the use of a fraudulent Resident Alien Card (Form I-551) on October 10, 1996. The applicant is currently married to a citizen of the United States and is the beneficiary of a Petition for Alien Relative (Form I-130) filed by the United States citizen spouse. She has also filed an Application for Adjustment of Status (Form I-485). The applicant seeks a waiver of inadmissibility in order to remain in the United States with her spouse pursuant to section 212(a)(2)(A)(i)(I) of the Act, 8 U.S.C. § 1182(a)(2)(A)(i)(I). The applicant's waiver application was denied by the district director who found that the applicant had not demonstrated extreme hardship to her U.S. citizen spouse, the qualifying relative.

The record reflects that the applicant's counsel has submitted no brief on appeal despite indicating that a brief would be filed. The appeal is only supported by a brief statement on the Notice of Appeal (Form I-290B), which merely takes issue with the director's decision noting that the applicant's spouse will suffer extreme hardship. The statement also references the applicant's U.S. citizen child, however, the child is not a qualifying relative and thus any hardship cannot be considered.

8 C.F.R. § 103.3(a)(v) states 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 applicant has not submitted articulated any specific errors of law of fact made by the director, and simply asserts a disagreement with the decision. This is an insufficient basis for an appeal of the director's decision.

ORDER: The appeal is summarily dismissed and the director's decision is affirmed.