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[Redacted]

FILE:

[Redacted]

Office: BOSTON, MASSACHUSETTS

Date: **SEP 21 2005**

IN RE:

Applicant:

[Redacted]

APPLICATION: Application for Waiver of Grounds of Inadmissibility under § 212(h) of the
Immigration and Nationality Act, 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, Director
Administrative Appeals Office

DISCUSSION: The Application for a Waiver of Inadmissibility was denied by the District Director, Boston Massachusetts, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that on July 13, 2001, the district director found that the applicant was inadmissible to the U.S. pursuant to § 212(a)(1)(A)(i) of the Immigration and Nationality Act (“the Act”), 8 U.S.C. § 1182(a)(2)(A)(i)(I), as an alien who has a communicable disease of public health significance. The district director denied the waiver application pursuant to § 212(g)(1) of the Act, as the applicant does not have a qualifying relative. Specifically, the applicant’s child is not considered a “daughter” (person over the age of twenty one) for immigration purposes, because she is still under twenty one years old.

Counsel submitted a timely Form I-290B on August 9, 2001 and indicated that a brief and/or additional evidence would be submitted to the AAO within forty five days. As of this date, however, the AAO has not received any additional evidence into the record. Therefore, the record is complete.

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).

On the Form I-290B, counsel fails to specify how the district director made any erroneous conclusion of law or statement of fact in denying the application. As neither the applicant nor counsel presents additional evidence on appeal to overcome the decision of the district director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

The burden of proof in this proceeding rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not sustained that burden.

ORDER: The appeal is dismissed.