

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

H2

PUBLIC COPY

[REDACTED]

FILE:

[REDACTED]

Office: LOS ANGELES, CALIFORNIA

Date: AUG 22 2006

IN RE:

Applicant:

[REDACTED]

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:

[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, Chief
Administrative Appeals Office

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

The record reflects that on December 14, 2004, the district director found that the applicant was inadmissible to the U.S. pursuant to § 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), as an alien who attempted to procure admittance to the United States by fraud or willful misrepresentation in 1994. The district director found that the applicant had failed to establish that his spouse would experience extreme hardship on account of his inadmissibility, and she denied the waiver application.

Counsel submitted a timely Form I-290B on January 13, 2005 and indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. Since the AAO did not receive any additional evidence, on June 6, 2006, the AAO transmitted a letter by facsimile to counsel requesting that she send copies of any evidence that may have been submitted on appeal. Counsel replied that she had not submitted any brief or additional evidence in support of the appeal. The record is thus 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. Counsel merely indicates that the decision was in error, and the applicant's spouse and children would suffer extreme hardship if he were deported. 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.