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U.S. Citizenship  
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[REDACTED]

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FILE:

[REDACTED]

Office: MIAMI (WEST PALM BEACH) Date:

APR 11 2007

IN RE:

Applicant:

[REDACTED]

APPLICATION:

Application for Waiver of Grounds of Inadmissibility under section 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, Chief  
Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the District Director, Miami (West Palm Beach), Florida, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant's application for waiver of grounds of inadmissibility, Form I-601, was denied by the District Director.

Counsel submitted a timely Form I-290B on May 14, 2004 and indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. It is noted that although counsel indicates in the Form I-290B that a brief and/or evidence will be sent to the AAO within 30 days, there is no such evidence in the record. Counsel did not respond to a facsimile from the AAO on February 5, 2007 requesting a copy of the brief or evidence. The record as constituted is therefore 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 director made any erroneous conclusion of law or statement of fact in denying the application. As neither the petitioner nor counsel presents additional evidence on appeal to overcome the decision of the 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 petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not sustained that burden.

**ORDER:** The appeal is dismissed.