



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

H2

MAY 18 2001

FILE:

Office: BALTIMORE, MARYLAND Date:

IN RE:

APPLICATION:

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 APPLICANT:

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 Interim District Director, Baltimore, Maryland. A motion to reconsider was filed and denied by the Interim District Director. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen and reconsider. The motion will be dismissed and the previous decisions of the Interim District Director and the AAO will be affirmed.

The record reflects that the applicant is a native and citizen of the Philippines who was found to be inadmissible to the United States pursuant to section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for entering the United States using a passport under a different name. The record indicates that the applicant is married to a United States citizen and she is the beneficiary of an approved Petition for Alien Relative (Form I-130). The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to reside in the United States with her United States citizen spouse.

The Interim District Director found that the applicant failed to establish that extreme hardship would be imposed on the applicant's spouse and denied the Application for Waiver of Grounds of Excludability (Form I-601) accordingly. *Interim District Director Decision*, dated August 27, 2003. On September 11, 2003, the applicant filed a motion to reconsider, which was denied by the Interim District Director. *Interim District Director Decision*, dated January 15, 2004. On August 19, 2005, the AAO affirmed the Interim District Director's decision on appeal. *Decision of the AAO*, dated August 19, 2005.

In the present motion to reopen and reconsider, the applicant, through counsel, reasserts that the applicant's husband will suffer extreme hardship if he joins the applicant in the Philippines or stays in the United States without the applicant. *Motion to Reopen and Reconsider*, filed September 23, 2005. Additionally, counsel contends that "the recent sea change in Federal policy as articulated by President Bush and the Congress...elevates the importance of family unit to a National interest." *Id.* The AAO agrees that family unity is important; however, Congress has not made any changes to the immigration regulations that would modify the extreme hardship standard that must be demonstrated by the applicant.

The issues raised by counsel in the motion to reopen and reconsider were all brought up in the initial appeal, and those issues were addressed by the AAO. Counsel did not identify any legal errors in the prior AAO or Interim District Director decisions, and no new information or evidence was submitted in the motion to reopen and reconsider.

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

(a) Motions to reopen or reconsider

(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 issues raised in counsel's motion to reconsider were thoroughly addressed in the prior AAO decision, and counsel failed to establish any legal error in the AAO or the Interim District Director decisions.

Because counsel failed to identify any erroneous conclusion of law or statement of fact in his brief, the motion will be dismissed.

ORDER: The motion is dismissed and the previous decisions of the Interim District Director and the AAO are affirmed.