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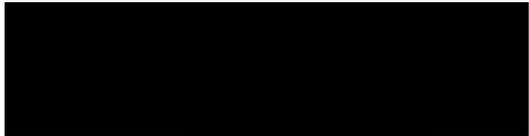
U.S. Department of Homeland Security  
20 Massachusetts Ave., NW, Rm. 3000  
Washington, DC 20529-2090  
MAIL STOP 2090



U.S. Citizenship  
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Services

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FILE: [Redacted]  
MSC-05-133-11712

Office: CHERRY HILL

Date: NOV 12 2008

IN RE: Applicant: [Redacted]

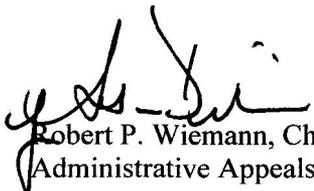
APPLICATION: Application for Waiver of Inadmissibility pursuant to Section 212(a)(6)(C)(i) of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1182

ON BEHALF OF APPLICANT:



**INSTRUCTIONS:**

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. You no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case. If your appeal was sustained or remanded for further action, you will be contacted.

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for waiver of inadmissibility was denied by the District Director, Cherry Hill, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director determined that the according to the applicant's statements, the applicant resided unlawfully in the United States for more than one year and then departed the United States in September 2003. The director determined that the applicant was inadmissible under section 212(a)(9)(B)(i)(II) of the Act, 8 U.S.C. § 1182(a)(9)(B)(i)(II), which relates to aliens who have been unlawfully present in the United States for one year or more and seek admission within 10 years of the date of departure from the United States. Pursuant to section 245A(d)(2)(B)(i) of the Act, 8 U.S.C. § 1255a(d)(2)(B)(i), such inadmissibility may be waived in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

On appeal, counsel submitted a timely Form I-694 Notice of Appeal of Decision Under Section 210 or 245A. Counsel stated on the Form I-694 that the director "applied the wrong legal standard to analyze the facts in the applicant's case." Counsel also indicated on the Form I-694 that a brief and/or additional evidence would be submitted to the AAO within 30 days. On September 12, 2008, the AAO sent counsel a facsimile regarding the absence of the aforesaid appellate material. On September 18, 2008, counsel responded by facsimile and stated that the Form I-694 should have indicated that "no supplemental brief and/or evidence [would] be submitted." As of this date, the AAO has not received any additional evidence from counsel or the applicant. Therefore, the record is complete.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented any new evidence of his entry into the United States or his continuous residence during the requisite period. On appeal, counsel has resubmitted his previous response to the director's notice of intent to deny (NOID), but counsel has not addressed the director's decision which determined that article submitted in response to the NOID was not sufficient to meet the applicant's burden. The applicant fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the application. Nor has he specifically addressed the basis for denial. As the applicant presents no 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)(3)(iv).

**ORDER:** The appeal is summarily dismissed. This decision constitutes a final notice of ineligibility.