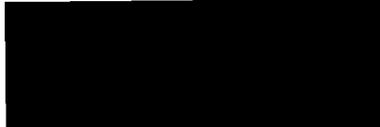


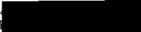
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U.S. Department of Homeland Security  
Bureau of Citizenship and Immigration Services

**identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**

ADMINISTRATIVE APPEALS OFFICE  
425 Eye Street N.W.  
BCIS, AAO, 20 Mass, 3/F  
Washington, D. C. 20536



FILE: 

Office: Kingston

Date: **AUG 15 2003**

IN RE: Applicant: 

APPLICATION:

Application for Waiver of Grounds of Inadmissibility under Sections 212(i) and Section 212(a)(9)(B)(v) of the Immigration and Nationality Act, 8 U.S.C. § 1182(i) and 1182(a)(9)(B)(v)

ON BEHALF OF APPLICANT:



**PUBLIC COPY**

INSTRUCTIONS:

This is the decision 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.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Bureau of Citizenship and Immigration Services (Bureau) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the Officer in Charge, Kingston, Jamaica, and a subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is before the AAO on a motion to reopen. The motion will be dismissed, and the order dismissing the appeal will be affirmed.

The applicant is a native and citizen of Jamaica who was found to be inadmissible to the United States by a consular officer under sections 212(a)(6)(C)(i) and 212(a)(9)(B)(i)(II) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i) and 1182(a)(9)(B)(i)(II), for having procured admission into the United States by fraud or willful misrepresentation in 1983 and for having been unlawfully present in the United States for a period of more than one year.

The applicant is the unmarried daughter of a native of Jamaica and naturalized U.S. citizen. She is the beneficiary of an approved Petition for Alien Relative. The applicant seeks waivers under sections 212(i) and 212(a)(9)(B)(v) of the Act, 8 U.S.C. § 1182(i) and 1182(a)(9)(B)(v).

The officer in charge concluded that the applicant had failed to establish that extreme hardship would be imposed on a qualifying relative and denied the application accordingly. The AAO affirmed that decision on motion.

On motion, counsel refers to a previously submitted social worker's evaluation that describes the extreme hardship (mental, physical and financial) that the applicant's mother is facing due to the applicant's inadmissibility. Counsel states that the social worker's evaluation should be given more attention than a mere cursory glance, and that the social worker's opinion should be sufficient in qualifying the problems faced by the mother as "extreme." Counsel then cites hardships that would be imposed upon the applicant's mother if the mother were forced to leave the United States. Counsel also refers to hardships faced by the applicant's U.S. citizen daughter.

Pursuant to 8 C.F.R. § 103.5(a)(2), a motion to reopen must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence.

Pursuant to 8 C.F.R. § 103.5(a)(3), a motion to reconsider must state the reasons for reconsideration; and be supported by any pertinent precedent decisions.

Pursuant to 8 C.F.R. § 103.5(a)(4), a motion that does not meet applicable requirements shall be dismissed.

The issues in this matter were thoroughly discussed by the officer in charge and the AAO in their prior decisions. The social worker's evaluation was previously reviewed and considered. No further

information was submitted, and as noted in the AAO's previous decision, hardship to the applicant's daughter is not a consideration in these proceedings. Since no new issues have been presented for consideration, the motion will be dismissed.

**ORDER:** The motion is dismissed. The order of October 15, 2002, dismissing the appeal is affirmed.