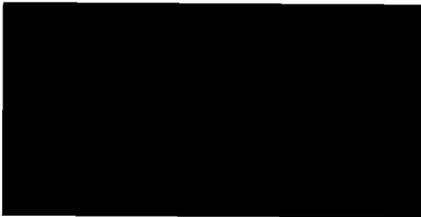


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U.S. Citizenship
and Immigration
Services



PUBLIC COPY

HB

MAY 22 2007

FILE:



Office: BANGKOK, THAILAND

Date:

IN RE:



APPLICATION:

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

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 District Director, Bangkok, Thailand, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The record reflects that the applicant is a native and citizen of Laos who was found to be inadmissible to the United States pursuant to section 212(a)(9)(B)(i)(II) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(B)(i)(II), for having been unlawfully present in the United States for more than one year and seeking readmission within 10 years of her last departure from the United States. The record indicates that the applicant is married to a naturalized 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(a)(9)(B)(v) of the Act, 8 U.S.C. § 1182(a)(9)(B)(v), in order to reside in the United States with her husband.

The 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. *Decision of the District Director*, dated August 9, 2005.

On appeal, the applicant, through counsel, asserts that the District Director's "analysis of the 'extreme hardship' criteria was not comprehensive." *Form I-290B*, filed September 7, 2005. Counsel submits "medical documentation establishing that [the applicant's] departure from the United States resulted in extreme hardship for both her and her U.S. citizen husband." *Id.*

Volume 8 of the Code of Federal Regulations (8 C.F.R.) § 103.3(a)(2) states in pertinent part:

AAU appeals in other than special agricultural worker and legalization cases—(i) Filing appeal. The affected party shall file an appeal on Form I-290B...The affected party shall file the complete appeal including any supporting brief with the office where the unfavorable decision was made within 30 days after service of the decision.

On August 9, 2005, the District Director, Bangkok, Thailand, denied the Form I-601. The record of proceedings show that on September 7, 2005, the applicant, through counsel, filed an appeal in St. Paul, Minnesota.

Since the applicant filed her appeal with the St. Paul, Minnesota, Citizenship and Immigration Services (CIS) office, instead of the Bangkok, Thailand, CIS office, the present appeal must be rejected.

ORDER: The appeal is rejected.