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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

H3

[REDACTED]

FILE:

[REDACTED]

Office: CHICAGO, ILLINOIS

Date:

JUN 25 2008

IN RE:

Applicant:

[REDACTED]

APPLICATION: Application for Waiver of Grounds of Excludability 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:

[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 District Director, Chicago, Illinois, denied the Form I-601, Application for Waiver of Ground of Excludability under Section 212(a)(9)(B)(v) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1182(a)(9)(B)(v). The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant is a 34-year-old native and citizen of Mexico who was found inadmissible to the United States pursuant to section 212(a)(9)(B)(i) of the Act, 8 U.S.C. § 1182(a)(9)(B)(i), for having been unlawfully present. The record reflects that the applicant's spouse, [REDACTED], is a 27-year-old citizen of the United States. The couple was married on March 31, 2000 in Cook County, Illinois. The applicant seeks a waiver of inadmissibility in order to remain in the United States and adjust her status to lawful permanent resident.

The district director found the applicant to be inadmissible and denied the waiver. The director determined that the applicant had failed to establish that her spouse would face extreme hardship and denied the application accordingly. The AAO notes that the director originally denied the application for permanent residence in November 2004 due to the applicant's failure to file the Form I-601, Waiver of Grounds of Inadmissibility. The applicant filed a Motion to Reopen in December 2004, attaching a receipt evidencing the timely filing of Form I-601. The director reopened the applicant's case, but denied the waiver on August 18, 2005. This appeal followed.

On appeal, the applicant, through counsel, states that the district director abused his discretion in denying the waiver application, that the applicant had submitted substantial evidence of extreme hardship, and that the director did not properly consider the evidence presented. *See* Statement of the Applicant on Form I-290B, Notice of Appeal to the AAO.

The applicant indicates in the Form I-290B that she will be submitting a brief or additional evidence within 30 days. The Form I-290B is dated September 19, 2005. On January 30, 2008, the AAO sent a fax to applicant's counsel advising that no brief or additional evidence had ever been received in this matter, and requested that counsel submit, within five business days, a copy of the originally submitted brief and/or additional evidence, if in fact such evidence had been submitted. On February 1, 2008, the AAO received a cover letter from applicant's counsel as well as copies of the applicant's December 2004 Motion to Reopen and related correspondence. Nothing additional was submitted relating to the appeal of the denial of the Form I-601.

8 C.F.R. § 103.3(a)(1) states in pertinent part that:

(v) Summary dismissal. 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.

The AAO finds that the applicant's appeal fails to identify any specific erroneous conclusion of law or statement of fact in the district director's decision. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.