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[Redacted]

FILE:

[Redacted]

Office: CUIDAD JUAREZ, MEXICO

Date: **AUG 30 2007**

CDJ2004834351

IN RE:

Applicant:

[Redacted]

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:

[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 waiver application was denied by the Officer-in-Charge (OIC), Ciudad Juarez, Mexico, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant filed a timely Form I-290B on February 21, 2006, and indicated that a brief and/or evidence will be submitted to the AAO within 30 days. The AAO sent a fax to counsel on June 18, 2007, which requested a copy of the brief and/or evidence. Counsel's faxed response stated that she no longer represented the applicant and counsel provided the name and contact information for the attorney who is now representing the applicant. On July 2, 2007, the AAO sent a fax requesting a copy of the brief and/or evidence to the attorney who is now representing the applicant. No response has been received as of this date. The record as constituted is therefore complete.

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. 8 C.F.R. § 103.3(a)(1)(v).

On the Form I-290B, former counsel states that she did not receive the Request for Evidence. Former counsel does not indicate how the director made any erroneous conclusion of law or statement of fact in denying the petition. As neither the applicant nor counsel presents 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)(1)(v).

The burden of proof in this proceeding rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The applicant has not sustained that burden.

ORDER: The appeal is dismissed.