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

PUBLIC COPY

[redacted]

NOV 30 2006

FILE: [redacted] Office: MIAMI, FLORIDA Date:

IN RE: Applicant: [redacted]

APPLICATION: Application for Waiver of Grounds of Inadmissibility under section 212(h) of the Immigration and Nationality Act, 8 U.S.C. § 1182(h)

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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, Director
Administrative Appeals Office

DISCUSSION: The Application for a Waiver of Inadmissibility was denied by the Acting Interim District Director, Miami, Florida, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The record reflects that on October 28, 2003, the acting interim district director found that the applicant was inadmissible to the U.S. pursuant to section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act ("the Act"), 8 U.S.C. § 1182(a)(2)(A)(i)(I), as an alien who has been convicted of two crimes involving moral turpitude (grand theft and petit theft). The applicant's waiver application was denied accordingly.

The applicant submitted a timely Form I-290B and indicated that no brief and/or additional evidence would be submitted to the AAO. On the Form-I290B the applicant wrote that she would experience a financial impact if she departs the United States. The applicant submitted no other evidence or information on appeal; the record is thus complete.

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

> (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.

On the Form I-290B, the applicant fails to specify how the acting interim district director made any erroneous conclusion of law or statement of fact in denying the petition. As the petitioner fails to present additional evidence on appeal to overcome the decision of the acting interim district 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 petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not sustained that burden.

ORDER: The appeal is dismissed, and the acting interim district director's decision is affirmed.