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[redacted]

JAN 31 2005

FILE: [redacted] Office: LOS ANGELES, CALIFORNIA Date:

IN RE: Applicant: [redacted]

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

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, Director
Administrative Appeals Office

DISCUSSION: The waiver application was denied by the District Director, Los Angeles, California. The Administrative Appeals Office (AAO) dismissed the applicant's appeal on June 13, 2003. The applicant then filed a motion to reconsider, which the AAO granted, but affirmed its prior order dismissing the appeal on January 31, 2003. On February 25, 2003, the applicant filed a second motion to reconsider, which is now before the AAO. The motion will be dismissed.

The record reflects that the applicant is a native and citizen of Mexico. The applicant was found inadmissible to the United States pursuant to § 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i). The record reflects that the applicant is the spouse of a U.S. citizen. The applicant seeks a waiver of inadmissibility in order to remain in the United States with her husband.

The district director found that the applicant had failed to establish extreme hardship to her U.S. citizen husband. The application was denied accordingly. The appeal of the denial was dismissed by the AAO. Upon the applicant's motion, the AAO reconsidered all the evidence on the record, including counsel's brief on motion. With clear and concise explanations, the AAO affirmed its prior dismissal. The applicant has resubmitted on motion a virtual copy of counsel's previous brief dated July 12, 2002, to which, as noted, the AAO already responded. The brief submitted in the most recent motion does not raise any issues not previously considered, reviewed, and dealt with by the AAO. The motion to reconsider will, therefore, be denied.

A motion to reconsider must: (1) state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or CIS policy; and (2) establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3). On motion, counsel fails to point out any conclusions of law or statements of fact that the AAO has not already addressed. A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).

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 motion is dismissed.