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

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H2

[redacted]

JAN 31 2005

FILE: [redacted] Office: VIENNA, AUSTRIA Date:

IN RE: Applicant: [redacted]

APPLICATION: Application for Waiver of Grounds of Inadmissibility under § 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 waiver application was denied by the Officer in Charge, Vienna, Austria. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. The motion will be dismissed and the previous decisions of the District Director and the AAO will be affirmed.

The record reflects that the applicant is a native and citizen of Poland who was found to be inadmissible to the United States (U.S.) under § 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(2)(A)(i)(I), for having been convicted of a crime involving moral turpitude. The applicant is the son of a citizen of the United States and is the beneficiary of an approved petition for alien relative. The applicant seeks a waiver of inadmissibility pursuant to § 212(h) of the Act, 8 U.S.C. § 1182(h), in order to move to the United States to reside with his U.S. citizen father.

The officer in charge concluded that the applicant had failed to establish that extreme hardship would be imposed upon the applicant's father and denied the application accordingly. The AAO affirmed the officer in charge's decision on appeal.

The applicant submitted a Form I-290B Notice of Appeal on which he indicated that additional evidence was being submitted with the form. No additional evidence was included with the form, however, nor has the AAO received any further documentation from the applicant. Therefore, the record is complete. On the Form I-290B, the applicant's U.S. citizen father writes that he is awaiting the results of recent medical exams. No evidence regarding the type of examination or the nature of the medical problem involved was included on motion. The applicant has, thus, not submitted any new information for the record.

8 C.F.R. § 103.5(a) states in pertinent part:

> (a) Motions to reopen or reconsider
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> . . . .
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> (2) Requirements for motion to reopen. A motion to reopen must state the new facts to be proved in the reopened proceeding and be supported by affidavits or other documentary evidence.
>
> . . . .
>
> (4) Processing motions in proceedings before the Service. A motion that does not meet applicable requirements shall be dismissed
>
> . . . .

Because the applicant has failed to state any new facts or to include any supporting documentary evidence, the motion does not meet the requirements outlined above, and it must be dismissed.

ORDER: The motion is dismissed and the previous decisions of the District Director and the AAO will be affirmed.