U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

prevent invasion of personal privac

PUBLIC COPY

U.S. Citizenship and Immigration Services

H2

MAR 03 2005

[redacted]

FILE: [redacted] Office: EL PASO, TEXAS 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 Application for a Waiver of Inadmissibility was denied by the District Director, El Paso, Texas and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that on March 10, 2003, the district director found that the applicant was inadmissible to the U.S. pursuant to § 212(a)(6)(C)(i) of the Immigration and Nationality Act ("the Act"), 8 U.S.C. § 1182(a)(6)(C)(i)(I), for having attempted to procure admission into the United States by fraud or willful misrepresentation. The district director found no evidence that the applicant had a qualifying relative for purposes of the waiver and denied the waiver application accordingly.

The applicant submitted a timely Form I-290B on April 10, 2003 on which she indicated that it was apparent at the time of the interview that the applicant was the spouse of a lawful permanent resident. The applicant, however, failed to attach any additional documentation in support of this claim. As of this date, the record contains no evidence regarding the existence of any qualifying relatives.

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). As the applicant fails to present any evidence on appeal in support of her assertion that she has a lawful permanent resident husband, 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.