U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

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U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: LINCOLN, NEBRASKA Date: JUL 13 2004

IN RE: Applicant: [redacted]

APPLICATION: Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act, 8 U.S.C. § 1182(e).

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

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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DISCUSSION: The application was denied by the Director, Lincoln, Nebraska, Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant is a native of Uganda, and that she is subject to the two-year foreign residence requirement under section 212(e) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(e), because she claims to have participated in a program found on the revised Exchange Visitor's Skills List. The applicant was admitted to the United States as a J1 nonimmigrant exchange visitor, and she married a U.S. citizen and had a U.S. citizen child while in the United States. The applicant seeks a waiver of her two-year residence requirement in Uganda based on the claim that her husband and child would suffer exceptional hardship if she were required to return to Uganda for two years.

The director determined that the applicant was ineligible for a waiver under section 212(e) of the Act. The director found that the applicant had failed to establish that she participated in her exchange visitor program for the entire period of the program, or that she performed the required services of a J1 exchange visitor. The director additionally concluded that the applicant failed to establish that her spouse or child would suffer exceptional hardship if she were required to return to Uganda for two years. The application was denied accordingly.

On appeal, counsel asserts that the applicant:

> [I]s a married woman, native and citizen of Uganda. She applied for a waiver of the two-year foreign residency requirement based on hardship to her spouse and U.S. citizen child would face if she returned to Uganda. Her application was denied, and she hereby appeals that decision.

Counsel makes no other assertions on appeal. Moreover, the AAO notes that although counsel states that he will submit additional information regarding the appeal within thirty days, no additional information was received by the AAO.

8 C.F.R. § 103.3(a)(v) 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.

The AAO finds that counsel failed to identify any erroneous conclusion of law or statement of fact on appeal. The appeal will therefore be summarily dismissed.

ORDER: The appeal is summarily dismissed.