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

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U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: OCT 07 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

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prevent clearly unwarranted
invasion of personal privacy

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

The record reflects that the applicant is a native of Romania, and that he 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). The applicant was admitted into the United States as a J1 nonimmigrant exchange visitor, from May 30, 2000 through September 30, 2000. The applicant married a naturalized U.S. citizen on April 28, 2003. He presently seeks a waiver of his two-year foreign residence requirement based on the claim that his wife would suffer exceptional hardship if he were required to return to Romania for two years.

The director determined the applicant had failed to establish that his wife would suffer exceptional hardship if he returned to Romania for two years. The application was denied accordingly.

On appeal, counsel asserts that the applicant, "[w]as not aware of the proper procedure for this waiver", and that the applicant is "[p]rocuring a "no-objection" statement from the Romanian government." Counsel makes no other assertions on appeal. Moreover, the AAO notes that although counsel states that she will submit an additional brief or evidence 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.