

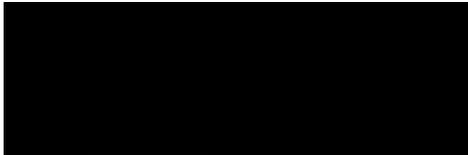


U.S. Citizenship
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FILE:

Office: LOS ANGELES

Date: SEP 18 2006

IN RE:



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

ON BEHALF OF PETITIONER:



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, Chief
Administrative Appeals Office

DISCUSSION: The district director denied the waiver application. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The director found the applicant, [REDACTED] (Mr. [REDACTED]) a 60-year old native and citizen of Mexico, to be inadmissible to the United States pursuant to section 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 record indicates that the applicant has a U.S. citizen spouse, [REDACTED] (Ms. [REDACTED]). The applicant seeks a waiver of inadmissibility under section 212(h) of the Act, 8 U.S.C. § 1182(h), in order to reside with his wife in the United States.

The director based the finding of inadmissibility under section 212(a)(2)(A)(i)(I) of the Act on the applicant's conviction for the offense of grand theft from person, committed on August 22, 1992. *District Director's Decision*, dated February 17, 2005. The district director also concluded that the applicant had failed to establish that extreme hardship would be imposed on his qualifying relative, his wife, and denied the Application for Waiver of Ground of Inadmissibility (Form I-601) accordingly. *Id.*

On March 21, 2005, counsel submitted a Form I-290B (Notice of Appeal) without a brief or evidence and marked the box at section 2, indicating that he was sending a brief and/or evidence to the AAO within 30 days. On August 30, 2006, the AAO requested a copy of the brief and/or evidence referred to on the I-290B. In reply, counsel stated that he did not submit a brief and/or evidence. The record is, therefore, considered complete.

An officer to whom an appeal is made shall summarily dismiss the appeal if the party concerned fails to specifically identify any erroneous conclusion of law or statement of fact in the original decision. 8 C.F.R. § 103.3(a)(1)(v).

The Notice of Appeal simply states the following:

I have just been retained on this case. I am herein requesting 30 days to submit additional evidence to support applicant's claim that his removal would result in extreme hardship to his U.S. citizen spouse.

Counsel did not specify any erroneous conclusion of law or statement of fact in the district director's decision. As counsel presents no additional evidence on appeal to overcome the decision, 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 summarily dismissed.