

U.S. Department of Homeland Security
20 Mass. Ave. N.W., Room 3000
Washington, DC 20529

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**U.S. Citizenship
and Immigration
Services**

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FILE:

Office: PHOENIX, AZ

Date: APR 23 2007

IN RE:

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

ON BEHALF OF APPLICANT:

[Redacted area]

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.

[Signature of Robert P. Wiemann]

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The District Director, Phoenix, Arizona, denied the waiver application and it is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant was found inadmissible to the United States pursuant to section 212(a)(2)(A)(i)(II) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(2)(A)(i)(II), for having been convicted of a violation related to a controlled substance. The district director found that the applicant had failed to establish that extreme hardship would be imposed on a qualifying relative. The district director denied the Application for Waiver of Grounds of Inadmissibility (Form I-601) accordingly. *Decision of the District Director*, dated September 26, 2005.

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 record reflects that, on October 26, 2005, counsel filed a Notice of Appeal to the Administrative Appeals Office (Form I-290B). On appeal, counsel attached a "Statement of Issues" to the Form I-290B that simply asserts, "whether the DHS's (sic) Decision, dated September 26, 2005, Denying Applicant Medina (sic) Application for a Waiver of Inadmissibility Pursuant to INA § 212(h), as a Result of the Extreme Hardship that His U.S. Citizen Spouse and Children Would Suffer If He is Forced to Depart the United States to Mexico, was correctly adjudicated?" The Form I-290B indicated that counsel would submit a separate brief or evidence on appeal within 30 days. On March 26, 2007, the AAO informed counsel that he had five days in which to resubmit the documentation he had indicated he would provide in support of the appeal. On March 26, 2007, counsel responded that he did not forward a brief and/or additional evidence to support the appeal. Accordingly, the record is complete. Counsel failed to identify either on the Form I-290B or through submission of a brief or evidence any erroneous conclusion of law or statement of fact made by the district director. The applicant's notice of appeal will therefore be dismissed pursuant to 8 C.F.R. § 103.3(a)(v).

ORDER: The appeal is dismissed and the district director's decision is affirmed.