



U.S. Citizenship  
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JUN 20 2007

FILE:

Office: SAN FRANCISCO (SACRAMENTO) CA

Date:

IN RE:

Applicant:

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:

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 waiver application was denied by the District Director, San Francisco, California, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as improperly filed.

In order to properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party must file an appeal on Form I-290B and pay the appropriate fee as specified in 8 C.F.R. § 103.7. The regulation states that the affected party must file the complete appeal on Form I-290B within 30 days after service of the unfavorable decision. If the decision was mailed, the appeal must be filed within 33 days. *See* 8 C.F.R. § 103.5a(b).

The record indicates that the district director issued the decision on May 19, 2006. It is noted that the district director properly gave notice to the petitioner that it had 33 days to file the appeal.

The submitted appeal was filed on Form EOIR-29, which is not the correct form as specified in 8 C.F.R. § 103.3(a)(2)(i). The affected party paid a fee of \$110.00 instead of the required fee of \$385.00. Accordingly, the appeal was improperly filed.

As the appeal was improperly filed, the appeal must be rejected.

**ORDER:** The appeal is rejected.