U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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[redacted]

FILE: [redacted] Office: MIAMI Date: AUG 0 3 2009

IN RE: [redacted]

APPLICATION: Application for Waiver of Grounds of Inadmissibility under Section 212(a)(9)(B)(v) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1182(a)(9)(B)(v)

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

Michael Grissom

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The District Director, Miami, Florida, denied the instant waiver application. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The record shows that the applicant is a native and citizen of Mexico, the father of a U.S. citizen daughter and of a U.S. legal permanent resident (LPR) son, and the beneficiary of an approved Form I-130 petition. The applicant was found to be inadmissible pursuant to section 212(a)(9)(B)(i) of the Immigration and Nationality Act (INA, the Act), 8 U.S.C. § 1182(a)(9)(B)(i). The applicant seeks a waiver of inadmissibility pursuant to section 212(a)(9)(B)(v) of the Act in order to reside in the United States with his children.

The district director found that the applicant had been unlawfully present in the United States for more than a year and is therefore inadmissible to the United States pursuant to section 212(a)(9)(B)(i) of the Act. The district director also found that the applicant had failed to show that he meets the qualifications for waiver, in that he does not have a qualifying relative as required by section 212(a)(9)(B)(v) of the Act.[1]

The applicant submitted a Form I-290B appeal in this matter. In the section reserved for the reason for filing the appeal, the applicant stated, "I am attaching a separate copy of order by the Immigration Judge in removal proceeding, with date 3/21/2002, sugned [sic] by [redacted]"

The AAO notes that the record contains the order in which the judge ordered that the removal proceedings be terminated, but nothing in the order addresses the applicant's lack of any qualifying relative as required by section 212(a)(9)(B)(v) of the Act.

The applicant's statement on appeal contains no specific assignment of error and does not address the basis for the decision of denial.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part: "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 applicant has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal and the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed.

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[1] In order to qualify for inadmissibility pursuant to section 212(a)(9)(B)(i) of the Act, an applicant must demonstrate that refusal of admission to alien would result in extreme hardship to the citizen or LPR spouse or parent of such alien. In the instant case, the applicant has demonstrated that he has a U.S. citizen daughter and a LPR son, but not that he has a U.S. citizen or LPR spouse or parent.