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U.S. Citizenship  
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FILE: [REDACTED] Office: NEWARK, NEW JERSEY Date: JAN 06 2009

IN RE: [REDACTED]

APPLICATION: 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 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.

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).

John F. Grissom, Acting Chief  
Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the District Director, Newark, New Jersey. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of the Dominican Republic who was found to be inadmissible to the United States under section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for having procured entry into the United States by fraud or willful misrepresentation. The applicant is married to a citizen of the United States and seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to remain in the United States with her spouse.

In a decision dated October 13, 2005, the director concluded that the applicant had failed to establish that her bar to admission would impose extreme hardship on a qualifying relative and denied the Application for Waiver of Grounds of Inadmissibility (Form I-601) accordingly.

On November 14, 2005, counsel for the applicant filed a Form I-290B, Notice of Appeal, on which counsel stated the following as the reason for appeal:

The applicant is the spouse of a United States citizen husband. The spouse of the applicant will suffer extreme hardship as a result of the deportation of the applicant. The record will be supplemented with a brief and/or additional evidence.

No other documentation was submitted with the Form I-290B. Counsel checked the box on the Form I-290B indicating that a brief and/or additional evidence would be submitted within 30 days of the appeal. The record shows that no brief or additional evidence was received by the U.S. Citizenship and Immigration Services after the filing of the appeal on November 14, 2005. On December 19, 2008, the AAO sent to counsel by fax a request for a copy of the brief and/or additional evidence, specifying that any such documentation must be sent to the AAO within five business days of the fax. To date, nothing further has been received from counsel. As such, the record is now considered complete and the AAO shall adjudicate the appeal based on the record as presently constituted.

A section 212(i) waiver of the bar to admission resulting from violation of section 212(a)(6)(C) of the Act is dependent first upon a showing that the bar imposes an extreme hardship to the citizen or lawful permanent resident spouse or parent of the applicant. Here, the AAO concurs with the director's conclusion that the evidence of record is insufficient to demonstrate that the applicant's spouse would experience extreme hardship due to the applicant's inadmissibility. Further, the regulation at 8 C.F.R. § 103.3(a)(v) states in pertinent part that:

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 the applicant's appeal fails to identify any erroneous conclusion of law or statement of fact in the director's decision. The appeal is therefore summarily dismissed.

In proceedings for application for waiver of grounds of inadmissibility under section 212(i) of the Act, the burden of proving eligibility rests with the applicant. *See* section 291 of the Act, 8 U.S.C. § 1361. Here, the applicant has not met that burden. Accordingly, the appeal will be dismissed.

**ORDER:** The appeal is summarily dismissed.