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

U.S. Citizenship
and Immigration
Services

H₂

[REDACTED]

FILE:

[REDACTED]

Office: ATLANTA, GA

Date:

SEP 21 2009

IN RE:

[REDACTED]

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]

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 Acting District Director, Atlanta, Georgia, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant is a 30-year-old native and citizen of Cuba who was found 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 applicant is married to a lawful permanent resident of the United States, and he 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 and child in the United States.

The Acting District Director found that the applicant failed to establish extreme hardship to his spouse, and denied the application accordingly. *See Decision of the Acting District Director*, dated July 2, 2007.

On appeal, the applicant contends through counsel:

The District Director erred in denying the applicant's waiver under INA § 212(h). The evidence on the record establishes that the applicant's wife and child would suffer an extreme hardship if he were denied adjustment of status. All the hardship factors, when considered in their totality, amount to an extreme hardship.

Form I-290B, Notice of Appeal. The Notice of Appeal indicates that a brief and/or evidence would be submitted to the AAO within 30 days. *See id.* However, no brief or additional evidence was submitted.

The immigration regulations at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part:

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 applicant's appeal fails to identify any erroneous conclusions of law or statements of fact in the Acting District Director's decision. The AAO, therefore, summarily dismisses the appeal.

ORDER: The appeal is summarily dismissed.