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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

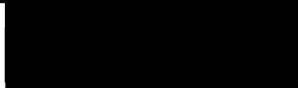
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JAN 22 2010

FILE:



Office: MEXICO CITY (CIUDAD JUAREZ)

Date:

IN RE:



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: SELF-REPRESENTED

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).

Perry Rhew
Chief, Administrative Appeals Office

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

The Form I-290B appeal in this matter purports to have been signed by an attorney who stated that he represents the applicant and his wife. That attorney, however, did not file a Form G-28, Notice of Entry of Appearance in this matter. The record contains no indication that the applicant has agreed to be represented by counsel. All representations will be considered, but the decision will be furnished only to the applicant.

The record shows that the applicant is a native and citizen of Mexico, the husband of a United States (U.S.) citizen, and the beneficiary of an approved Form I-130 petition. The district director found the applicant to be inadmissible pursuant to section 212(a)(9)(B)(i)(II) of the Immigration and Nationality Act (INA, the Act), 8 U.S.C. § 1182(a)(9)(B)(i)(II), for having been unlawfully present in the United States for more than one year. 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 wife.

The district director also found that the applicant had failed to establish extreme hardship to his U.S. citizen spouse, and denied the application. The Form I-290B appeal in this matter states, in the section reserved for the reason for filing the appeal, "PLEASE SEE ATTACHED DOCUMENTS." [Emphasis in the original]. No documents were attached to that appeal. No further information, argument, or documentation was submitted with that appeal or subsequently. The statement on appeal contains no specific assignment of error.

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.