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U. S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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H2

FILE:



Office: ALBUQUERQUE

Date:

JAN 24 2011

IN RE:

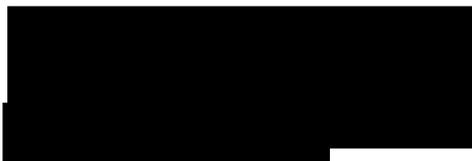
Applicant:



APPLICATION:

Application for Waiver of Grounds of Inadmissibility under sections 212(h) and (i) of the Immigration and Nationality Act, 8 U.S.C. §§ 1182(h), (i).

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Michael Shumway

for Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, Albuquerque, New Mexico, 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 a Form I-290B.

The record indicates that the director issued the decision on March 25, 2008. It is noted that the director properly gave notice to the applicant that he had to file the appeal on a Notice of Appeal (Form I-290B). The decision indicates that the director enclosed a Form I-290B.

The record reflects that counsel failed to file the Form I-290B. Instead, counsel filed a "Notice and Written Appeal of Decision" in the format of a letter. Since counsel failed to file the applicable immigration form, the requirements of 8 C.F.R. § 103.3(a)(2)(i) for filing an appeal were not met. Accordingly, the appeal was improperly filed.

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

ORDER: The appeal is rejected.