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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

PUBLIC COPY

[Redacted]

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Date: JUL 12 2011 Office: CHICAGO, ILLINOIS FILE: [Redacted]

IN RE: Applicant: [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:
[Redacted]

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,


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, Chicago, Illinois. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant is a native and citizen of Nigeria 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 an immigration benefit through his submission of a fraudulent divorce decree. The applicant is the spouse of a United States citizen 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.

In a decision dated January 6, 2009, the Field Office Director found that the applicant failed to establish that his qualifying relative would experience extreme hardship as a consequence of his inadmissibility. The application was denied accordingly. *See Decision of the Field Office Director* dated January 6, 2009.

The applicant submitted a timely Notice of Appeal (Form I-290B) and stated that an appeal brief would be submitted within thirty days. On March 5, 2009, the applicant's attorney moved for an extension of 45 days to file an appeal brief, yet no additional brief and/or evidence was submitted. The AAO sent a facsimile on June 22, 2011 notifying the applicant's attorney that no additional brief and/or evidence was submitted, and provided the applicant with five days to submit a copy of any additional brief and/or evidence that had been submitted with proof of the date of filing. On June 27, 2011, the AAO received a response from the applicant's attorney indicating that the applicant would rely upon the original brief submitted in support of his waiver application. Simultaneously, on June 27, 2011, the applicant's attorney also made a motion to supplement the record with a psychosocial assessment. However, the regulations do not allow an applicant or petitioner an open-ended or indefinite period in which to supplement an appeal once it has been filed, and counsel was advised that the facsimile should not be construed as requesting or permitting the applicant or counsel to submit a late brief and/or evidence in response to the request. Counsel provided no explanation for failure to submit the additional evidence in a timely manner, and the AAO notes that the assessment was conducted from February to June 2009. This evidence will therefore not be considered as it was submitted untimely.

The Form I-290B contained no allegation or argument regarding an erroneous conclusion of law or statement of fact to be reviewed. The applicant does not indicate any error on the part of the field office director. As such, the applicant's statement does not meet the requirements for the filing of a substantive appeal. In addition, no additional brief or evidence was timely provided by the applicant. Accordingly, the record is considered to be complete as it now stands.

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's general statement on appeal is not sufficient to meet the requirements for filing a substantive appeal. Therefore, as the applicant has failed to specifically identify an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.