



**U.S. Citizenship  
and Immigration  
Services**

(b)(6)

DATE: **FEB 04 2013**

OFFICE: ATHENS, GREECE

FILE: [REDACTED]

IN RE: [REDACTED]

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

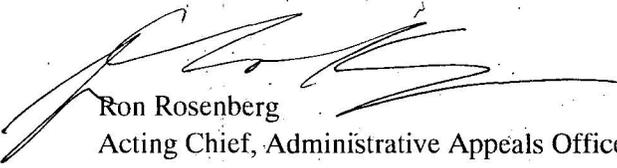
ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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.

Thank you,

  
Ron Rosenberg  
Acting Chief, Administrative Appeals Office

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**DISCUSSION:** The waiver application was denied by the Field Office Director, Athens, Greece, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as untimely and improperly filed.

The applicant is a native and citizen of Syria 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 admission to the United States through fraud or willful misrepresentation. The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to return to the United States to reside with her U.S. citizen husband. The Field Office Director concluded that the applicant is inadmissible under section 212(a)(6)(C)(i) of the Act, failed to show that her inadmissibility would cause extreme hardship to a qualifying relative, and denied the application accordingly. *See Decision of Field Office Director*, dated January 27, 2012.

In order to properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party or the attorney or representative of record must file the complete appeal within 30 days of service of the unfavorable decision. If the decision was mailed, the appeal must be filed within 33 days. *See* 8 C.F.R. § 103.8(b). The date of filing is not the date of mailing, but the date of actual receipt. *See* 8 C.F.R. § 103.2(a)(7)(i). In this case, the Field Office Director issued his decision on January 27, 2012 and properly gave notice to the applicant that she had 33 days to file the appeal. Neither the Act nor the pertinent regulations grant the AAO authority to extend this time limit. The appeal was not filed until March 7, 2012, or 40 days after the decision was issued. Accordingly, the appeal was untimely filed and must be rejected.

Additionally, the Form I-290B, Notice of Appeal, was filed and signed by [REDACTED], who did not establish that she is an attorney or other individual authorized to represent the applicant in these proceedings. *See* 8 C.F.R. §§ 103.2(a)(3); 292.1(a). Ms. [REDACTED] is not an affected party in these proceedings and is not entitled to file the appeal. An affected party is a "person or entity with legal standing in a proceeding." 8 C.F.R. § 103.3(a)(1)(iii)(B). An appeal filed by a person not entitled to do so must be rejected as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(A)(I). In this case, the appeal has not been filed by the applicant, or by any individual with legal standing in the proceeding, but rather by a person with no authority to undertake representations on the applicant's behalf. *See* 8 C.F.R. §§ 103.2(a)(3); 292.1(a). Therefore, the appeal has not been properly filed, and must be rejected for this additional reason.

**ORDER:** The appeal is rejected.