



U.S. Citizenship
and Immigration
Services

(b)(6)



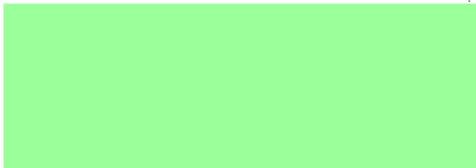
Date: **MAR 07 2013** Office: NEWARK, NJ

FILE: 

IN RE: Applicant: 

APPLICATION: Application for Waiver of Grounds of Inadmissibility under Section 212(h) of the Immigration and Nationality Act, 8 U.S.C. § 1182(h) and under Section 212(i) of the Immigration and Nationality Act, 8 U.S.C. § 1182(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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, Newark, New Jersey. An appeal of the denial was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on motion. The motion will be dismissed.

The applicant is a native and citizen of England 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 crimes involving moral turpitude, and under section 212(a)(6)(C)(i) of the Act, 8 U.S.C. § 1182(a)(6)(C)(i), for having attempted to procure admission to the United States through fraud or willful misrepresentation. The applicant's spouse and child are U.S. citizens. He seeks a waiver of inadmissibility in order to reside in the United States.

The field office director found that the applicant had failed to establish extreme hardship to a qualifying relative and denied the Application for Waiver of Grounds of Inadmissibility (Form I-601) accordingly. *Decision of the Field Office Director*, dated May 5, 2009. The AAO found that the applicant did not establish extreme hardship to a qualifying relative and that he committed a violent or dangerous crime and would be subject to 8 C.F.R. § 212.7(d); the appeal was dismissed accordingly. *AAO Decision*, dated December 7, 2011.

The applicant has filed a motion to reconsider. On motion, counsel asserts that the field office director erroneously concluded that the applicant's failure to disclose foreign convictions was a willful misrepresentation; the applicant disputed that his nondisclosure of foreign conviction was a willful misrepresentation; the field office director unduly weighed the negative factors versus the positive equities grounded in his spouse and child; the applicant's spouse takes care of her elderly parents and is not in a position to obtain employment which will also allow her to care for her parents; and the conclusions from the psychological evaluation were given inappropriate and minimizing weight as the factors clearly rise to the level of extreme hardship.

A motion to reconsider must: (1) state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or USCIS policy; and (2) establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

The applicant has submitted the Form I-290B with the aforementioned assertions. No other evidence was presented and counsel did not cite any pertinent precedent decisions. As to counsel's unsupported assertions, our prior decision adequately addressed them, and counsel has not established that that decision was based on an incorrect application of law or USCIS policy. As such, the motion will be dismissed.

ORDER: The motion is dismissed.