



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

(b)(6)

DATE: **FEB 28 2013**

Office: FRANKFURT, GERMANY

FILE: [REDACTED]

IN RE: [REDACTED]

APPLICATION: Application for Waiver of Grounds of Inadmissibility under Section 212(a)(9)(B)(v) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(9)(B)(v)

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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, Frankfurt, Germany, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant is a native and a citizen of Mexico who was found to be inadmissible to the United States pursuant to section 212(a)(9)(B)(i)(II) of the Immigration and Nationality Act (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 and seeking admission within 10 years of his last departure; and pursuant to section 212(a)(6)(C)(ii) of the Act, 8 U.S.C. § 1182(a)(6)(C)(ii) for falsely claiming to be a citizen of the United States on July 18, 2005. The applicant is the spouse of a U.S. citizen and the beneficiary of an approved Petition for Alien Relative. She seeks a waiver under section 212(a)(9)(B)(v) of the Act, 8 U.S.C. § 1182(a)(9)(B)(v), in order to reside in the United States with her spouse.

The director concluded that no waiver was available to the applicant for her inadmissibility under section 212(a)(6)(C)(ii) of the Act and denied the Form I-601, Application for Waiver of Grounds of Inadmissibility, accordingly. *See Field Office Director's Decision*, dated July 13, 2012.

On July 26, 2012, the director received the applicant's Form I-290B, Notice of Appeal or Motion (Form I-290B); however, page 2 of the form was not submitted. The record reflects that the director made numerous attempts to contact the applicant to obtain the second page of Form I-290B; however, the director's efforts were unsuccessful.

An appeal is properly filed when it is stamped to reflect the time and date of actual receipt, it is properly signed and executed, and the required filing fee is attached or a waiver of the filing fee is granted. *See 8 C.F.R. § 103.2(a)(7)(i).* Furthermore, instructions for Form I-290B state that the application must be signed by the applicant or the applicant's legal representative. The second of Form I-290B, which the applicant did not submit, contains the signature block. Because the applicant failed to submit Form I-290B with the required signature, the appeal will therefore be rejected as improperly filed.

ORDER: The appeal is rejected.