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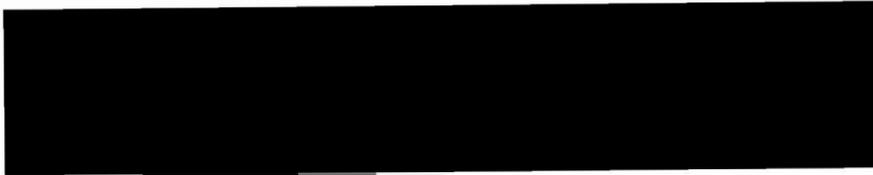


FILE: Office: ATLANTA DISTRICT OFFICE Date: JAN 08 2007

IN RE: [Redacted]

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

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The waiver application was denied by the District Director, Atlanta, Georgia, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant, [REDACTED] (Mr. [REDACTED]) is a native and citizen of Guinea 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. Mr. [REDACTED] wife, [REDACTED] is a U.S. citizen; he resides with her and their U.S. citizen son, and he is the beneficiary of an approved Petition for Alien Relative. He seeks a waiver of inadmissibility under section 212(h) of the Act, 8 U.S.C. § 1182(h), in order to remain in the United States with his wife and child.

On appeal, counsel for the applicant contends that the applicant's wife and U.S. citizen son would suffer extreme hardship if Mr. [REDACTED] were not granted a waiver of inadmissibility, "as evidenced by her notarized statement and other supporting documents that were included." *Notice of Appeal to the Administrative Appeals Office, AAO (Form I-290B)*, filed December 15, 2004. Counsel requested additional time "to re-submit those documents along with other documents to evidence this hardship." *Id.* No brief or evidence was submitted to support counsel's assertion, and counsel does not identify specifically any erroneous conclusion of law or statement of fact for the appeal. Although counsel indicated on Form I-290B that she would send a brief and/or evidence to the AAO within 30 days of filing the appeal, as of the date of this decision, the AAO has received no further documentation or correspondence from the applicant or counsel, and the record is deemed complete.

Section 212(h) of the Act provides, in pertinent part:

The Attorney General [now, Secretary, Homeland Security, "Secretary"] may, in his discretion, waive the application of subparagraphs (A)(i)(I) . . . of subsection (a)(2) . . . if –

(1) (A) . . . it is established to the satisfaction of the [Secretary] that –

. . . .

(B) in the case of an immigrant who is the spouse, parent, son, or daughter of a citizen of the United States or an alien lawfully admitted for permanent residence if it is established to the satisfaction of the Attorney General that the alien's denial of admission would result in extreme hardship to the United States citizen or lawfully resident spouse, parent, son, or daughter of such alien.

Upon review, the AAO notes that there is no evidence in the record that is relevant to a hardship determination other than a statement from the applicant's wife, stating that she has known the applicant for more than three years, they are in the process of starting a family and buying a home, and she depends on her husband for moral, spiritual and financial help. *Statement by [REDACTED]*, dated May 31, 2001. This statement was referred to by the applicant's counsel and in the district director's decision. The AAO concurs with the district director's decision that this does not establish that the applicant's wife will suffer extreme hardship if the applicant is denied a waiver of inadmissibility.

Regulations at 8 C.F.R. § 103.3(a)(1)(v) state, 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.

Inasmuch as the applicant has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

In proceedings for application for waiver of grounds of inadmissibility under section 212(h) of the Act, the burden of proving eligibility remains entirely with the applicant. *See* Section 291 of the Act, 8 U.S.C. § 1361. Here, the applicant has not met that burden. Accordingly, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.