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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]

Office: LOS ANGELES, CALIFORNIA

Date: JAN 31 2007

IN RE: Applicant: [Redacted]

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

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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Application for a Waiver of Inadmissibility was denied by the District Director, Los Angeles, California, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that on April 4, 2005, the district director found that the applicant was inadmissible to the U.S. pursuant to § 212(a)(6)(C)(i) of the Immigration and Nationality Act (INA, the Act), 8 U.S.C. § 1182 (a)(6)(C)(i) for having used a fraudulent passport and visa in order to enter the United States in 1994. The district director determined that the applicant had failed to establish that her inadmissibility would cause her U.S. citizen husband to suffer extreme hardship; therefore, she denied the waiver application.

Counsel submitted a timely Form I-290B on May 4, 2005 and indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. On January 7, 2007, counsel was sent a letter by facsimile informing him that the AAO had not received any additional evidence into the record, and requesting that counsel transmit by facsimile a copy of any brief and/or additional evidence that he had previously submitted. As of this date, the AAO has received no response. Therefore, the record is complete.

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. 8 C.F.R. § 103.3(a)(1)(v).

On the Form I-290B, counsel fails to specify how the district director made any erroneous conclusion of law or statement of fact in denying the application. Counsel merely indicates that the applicant failed to sufficiently articulate the factors involved in her spouse's extreme hardship claim. As neither the applicant nor counsel presents additional evidence on appeal to overcome the decision of the district director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

The burden of proof in this proceeding rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not sustained that burden.

ORDER: The appeal is dismissed.