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U.S. Department of Homeland Security
20 Mass Ave. N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

H2

[REDACTED]

FILE:

[REDACTED]

Office: LOS ANGELES (SANTA ANA) Date: JAN 02 2008

IN RE:

[REDACTED]

APPLICATION:

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

ON BEHALF OF APPLICANT:

[REDACTED]

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, Los Angeles, California, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant is a native and citizen of Bolivia 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 committed crimes involving moral turpitude. The applicant seeks a waiver of inadmissibility pursuant to section 212(h) of the Act, 8 U.S.C. § 1182(h), in order to remain in the United States with her U.S. citizen husband and child.

On May 23, 2001, the applicant's spouse, [REDACTED] a naturalized U.S. citizen, filed a Petition for Alien Relative (Form I-130) naming the applicant as beneficiary, which was accompanied by the applicant's Application to Register Permanent Resident or Adjust Status (Form I-485). The applicant's administrative file contains an undated memorandum stating "ACTION ON FORM I-130 AUTOMATICALLY TERMINATED PURSUANT TO OI 103.2(o)," but there is no copy of any decision or other notification sent to the petitioner, the applicant's spouse, or the applicant indicating that consideration of the petition had been terminated. On March 10, 2004, the district director issued a decision denying the applicant's adjustment application pursuant to 8 C.F.R. §103.2(b)(13) for failure to timely respond to a request for additional evidence. On March 14, 2005, the applicant submitted a Form I-601 Application for Waiver of Ground of Inadmissibility. On April 11, 2005, upon receiving the Form I-601 and other requested evidence from the applicant, the district director vacated her previous decision and reopened consideration of the applicant's adjustment application. On April 19, 2005, the district director issued a decision denying the applicant's waiver application finding that the applicant did not establish extreme hardship to her qualifying relatives. The applicant has appealed that decision.

On appeal, counsel states that the applicant is eligible and qualifies for a waiver of grounds of inadmissibility because her U.S. citizen spouse and child will suffer an extreme hardship if she is removed. On the Form I-290B, counsel indicated that a brief and/or evidence would be submitted to the AAO within 30 days. On August 30, 2007, the AAO sent a notice by fax to counsel stating that no such documentation had been received, and requesting that a copy of any additional brief or evidence along with evidence of the date it was originally filed be submitted within five business days. To date, no response to this notice has been received. Therefore, the record is considered complete.

8 C.F.R. § 103.3(a)(1) states in pertinent part that:

- (v) Summary dismissal. 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.

The AAO finds that the applicant's appeal fails to identify any erroneous conclusion of law or statement of fact in the district director's decision. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.