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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:

Office: NEW DELHI, INDIA Date: **MAR 30 2009**

IN RE:



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

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom
Acting Director, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Officer in Charge (OIC), New Delhi, India. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The record reflects that the applicant is a native and citizen of India who was found to be inadmissible to the United States pursuant to sections 212(a)(9)(B)(i)(II) of the Immigration and Nationality Act (the Act), for having been unlawfully present in the United States for more than one year. The record indicates that the applicant has a United States citizen spouse and two United States citizen children. The applicant seeks a waiver of inadmissibility in order to reside in the United States.

The OIC 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 Officer in Charge*, dated November 16, 2006.

On appeal, counsel states that the applicant was not represented at the time he filed his Form I-601 and therefore he did not present all pertinent facts and documents in support of that application. Counsel states that he will submit additional evidence and a legal brief that this additional information will cause the applicant to satisfy his burden of proof. *Form I-290B*, dated December 15, 2006. No documents were submitted with the appeal. The AAO notes that counsel indicates that a brief and/or other evidence will be filed within 30 days. On December 28, 2006, the OIC submitted additional correspondence to counsel, informing him that he should send additional documentation directly to the AAO within 30 days and provided counsel with the address of the AAO. However, no brief and/or other evidence has been received by the AAO. Accordingly, the appeal does not dispute or otherwise address the grounds upon which the application was denied.

8 C.F.R. § 103.3(a)(v) 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 field office director's decision. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.