U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
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U.S. Citizenship and Immigration Services

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FILE: [redacted] Office: PHOENIX, AZ Date: SEP 16 2009

IN RE: [redacted]

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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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).

Ellen C. Johnson

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, Phoenix, Arizona. 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 section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for entering the United States by fraud. The applicant is married to a U.S. citizen and seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to reside with his wife in the United States.

The field office director found that the applicant failed to establish extreme hardship to a qualifying relative and denied the waiver application accordingly. *Decision of the Field Office Director*, dated June 8, 2009.

On appeal, the applicant contends the field office director failed to consider "the significance of the hardships on [his] wife who has medical conditions, has no idea of [his] culture in India, who does not speak the language, who also has an ailing mother etc." The applicant contends that the field office director failed to carefully consider these facts in light of current law, thus abusing his discretion. In addition, the applicant asserts that he filed a writ for mandamus in federal court and that the response from USCIS was to rush a decision without carefully reviewing his case. He contends USCIS denied his application for adjustment of status (Form I-485) immediately, without giving him an opportunity to file an appeal of the denial of his waiver application, and that USCIS reopened the Form I-485 "without apology." *Form I-290B, Notice of Appeal or Motion*, dated June 19, 2009. No documents were submitted with the appeal.

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.

In this case, the field office director's decision found, *inter alia*, that the applicant failed to submit sufficient documentation demonstrating that the applicant's departure would cause his U.S. citizen wife or legal permanent resident mother-in-law extreme hardship. The decision specifically discussed the applicant's wife's diabetes as well as the applicant's 83-year old mother-in-law's arthritis, osteoporosis, and diabetes. The decision acknowledged that the applicant's wife cares for her mother and explicitly considered record evidence including the applicant's wife's letter, a BBC news article, and a medical note from the applicant's wife's physician. The decision also specifically summarized the applicant's personal claims regarding extreme hardship based on his own ongoing medical health issues, separation from family members, difficulty adapting to life in India, and a lack of financial independence upon relocation. Based on this information, the field office director concluded that "[t]he documentation submitted is evidence that [the applicant's] spouse and mother-in-law are able to support themselves and receive adequate care in [the

applicant's] absence." The field office director further concluded that the applicant submitted no evidence that the applicant, his wife, and his mother-in-law could not receive adequate medical care in India.

The appeal does not specifically dispute or otherwise address the grounds upon which the application was denied – *i.e.*, that the applicant's wife and mother-in-law can support themselves and receive adequate care in the applicant's absence, and that there is no evidence the applicant's wife or mother-in-law could not receive adequate medical care in India. Rather, the appeal makes generalized, conclusory statements that the field office director "fail[ed] to consider the significance of the hardships" and failed to "careful[ly] consider[] these facts in light of current law." *Form I-290B, Notice of Appeal or Motion, supra.* The AAO notes that the reopening of the applicant's Form I-485 is not evidence the field office director "rush[ed] to a decision" in denying the applicant's I-601.

The AAO finds that the applicant's appeal fails to specifically 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.