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

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FILE: [REDACTED] Office: LOS ANGELES, CALIFORNIA Date: SEP 21 2009

IN RE: [REDACTED]

APPLICATION: Application for Waiver of Grounds of Inadmissibility under Section 212(i) of the  
Immigration and Nationality Act, 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.

John F. Grissom  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the District Director, Los Angeles, California. The Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the AAO on motion. The motion will be rejected as improperly filed.

The motion is not properly filed. The regulations at 8 C.F.R. §§ 103.2(a)(2) and (3) state that every applicant or petitioner must sign his or her application or petition and that an applicant or petitioner may be represented by an attorney as defined in 8 C.F.R. §1.1(f), by an attorney outside the United States as defined in 8 C.F.R. § 292.1(a)(6), or by an accredited representative as defined in 8 C.F.R. § 292.1(a)(4). The submitted motion and Notice of Appeal or Motion (Form I-290B) were signed and submitted by an individual named [REDACTED] and were not signed by the applicant. The motion was not submitted with a Notice of Entry of Appearance as Attorney or Representative (Form G-28) as required pursuant to the regulation at 8 C.F.R. § 292.4(a), and Mr. [REDACTED] was provided with an opportunity to submit Form G-28 and evidence that he is qualified to represent the application under 8 C.F.R. §§ 103.2 and 292.1. [REDACTED] did not respond to this request and there is no indication that he is qualified to represent the applicant. As the motion was not signed by the applicant and was not filed by an individual authorized to represent her, it was not properly filed.

The AAO received a letter from [REDACTED] dated August 21, 2009 stating that she is now representing the applicant and that “she adopts and espouses the Motion to Reopen Brief filed by [REDACTED] and requests that the AAO continue processing the motion. In light of the above, as the motion was not properly filed, the AAO cannot continue processing it as counsel requests.

The AAO further notes that the regulation at 8 C.F.R. 103.5(a)(1)(i) states that a motion must be filed within 30 days of the decision that the motion seeks to reopen or reconsider, and the regulation at 8 C.F.R. § 103.5a(b) states that whenever a person is required to act within a prescribed period after the service of a notice upon him and the notice is served by mail, three days shall be added to the prescribed period. According to the regulation at 8 C.F.R. § 103.5(a)(2), a motion to reopen must state new facts to be provided and be supported by affidavits or other documentary evidence. The regulation at 8 C.F.R. § 103.5(a)(1)(i) provides that a late motion *to reopen* may be excused in the discretion of CIS where it is demonstrated that the delay was reasonable and was beyond the control of the applicant or petitioner. The regulation does not provide similar discretion for motions to reconsider. Any motion to reconsider filed at this time would therefore be untimely. Any motion to reopen filed at this time would have to meet the requirements under 8 C.F.R. § 103.5(a)(2) and demonstrate that the delay was reasonable and was beyond the control of the applicant in order to be accepted despite being filed untimely.

As the motion was not properly filed, the motion must be rejected.

**ORDER:** The motion is rejected.