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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

U.S. Citizenship
and Immigration
Services

H2

SEP 21 2009

FILE: [REDACTED] Office: MEXICO CITY (CIUDAD JUAREZ)
(CDJ 2004 758 322 relates)

Date:

IN RE: [REDACTED]

APPLICATION: Application for Waiver of Grounds of Inadmissibility under Section 212(a)(9)(B)(v)
of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(B)(v)

ON BEHALF OF APPLICANT:

INSTRUCTIONS:

On July 24, 2007 the Officer in Charge, Ciudad Juarez, Mexico, forwarded to the Administrative Appeals Office (AAO) a motion to reopen or reconsider his denial of your Form I-601 waiver of inadmissibility. His decision on the motion indicated that he was denying your motion, and pursuant to the regulation at 8 C.F.R. § 103.5(a)(6) your motion was being forwarded to the AAO as an appeal. Unfortunately, the regulation cited relates to the ability of an applicant to file an appeal after the denial of a motion by a Service office. There is no authority in the regulations for a Service office to treat a motion they have already denied as an appeal. The AAO has no jurisdiction over your waiver application and will therefore return the matter to the originating office for any further action.

John F. Grissom
Acting Chief, Administrative Appeals Office