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



**U.S. Citizenship
and Immigration
Services**



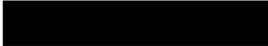
FEB 17 2012

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DATE:

OFFICE: ATHENS

FILE: 

IN RE: 

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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

fr

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Officer-In-Charge, Athens, Greece. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO), and this matter is now before the AAO on a motion to reopen. The motion will be dismissed.

The applicant is a native and citizen of Israel who was found to be inadmissible to the United States under section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for having procured entry to the United States by fraud or willful misrepresentation, and under section 212(a)(2)(A)(i)(I) of the Act, 8 U.S.C. § 1182(a)(2)(A)(i)(I), for having been convicted of committing a crime involving moral turpitude. The applicant seeks a waiver of inadmissibility in order to reside in the United States with his U.S. citizen spouse.

The Officer-In-Charge found that the applicant failed to establish extreme hardship to his U.S. citizen spouse and denied the Form I-601 application for a waiver accordingly. *Decision of the Officer-In-Charge*, dated July 12, 2007. On appeal, the AAO also found that the applicant had not established extreme hardship to his U.S. citizen spouse and dismissed the appeal accordingly. *See Decision of the AAO*, dated September 3, 2009.

In his motion to reopen, the applicant's spouse asserted that she was pregnant with an estimated due date of February 23, 2010 and wanted to raise their child with her husband. In support of his motion, the applicant submitted a letter from his spouse and himself, medical information concerning his spouse, photographs of his spouse and child, background information concerning marriages in Israel, financial documentation from his accountant, a copy of his spouse's passport, and a letter from his spouse's employer.

The regulation at 8 C.F.R. §§ 103.5(a)(1)(iii) lists the filing requirements for motions to reopen and motions to reconsider. Section 103.5(a)(1)(iii)(C) requires that motions be "[a]ccompanied by a statement about whether or not the validity of the unfavorable decision has been or is the subject of any judicial proceeding." In this matter, the motion does not contain the statement required by 8 C.F.R. § 103.5(a)(1)(iii)(C). The regulation at 8 C.F.R. § 103.5(a)(4) states that a motion which does not meet applicable requirements must be dismissed.

The AAO finds that the applicant failed to submit a statement as required by 8 C.F.R. § 103.5(a)(1)(iii)(C). The motion is therefore dismissed.

ORDER: The motion to reopen is dismissed.