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



H<sub>2</sub>

Date: **JUL 24 2012** Office: LOS ANGELES

FILE: [REDACTED]

IN RE: [REDACTED] Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT:



**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.

Thank you,

A handwritten signature in black ink, appearing to read "Perry Rhew".

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the Field Office Director, Los Angeles, California, and a subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The AAO's decision is now before the AAO on appeal. The appeal will be rejected.

The applicant is a native and citizen of Nicaragua who was found to be inadmissible to the United States pursuant to 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 a crime involving moral turpitude. The field office director found that the applicant had failed to establish extreme hardship to a qualifying relative and the application was denied accordingly. *Decision of the Field Office Director*, dated September 8, 2008. The AAO dismissed the subsequent appeal, finding that the applicant was inadmissible under section 212(a)(2)(A)(i)(I) of the Act, that he failed to establish extreme hardship to a qualifying relative, and that he did not qualify for a waiver under section 212(h) of the Act. *Decision of the AAO*, dated July 20, 2011.

On page 1 of the Form I-290B Notice of Appeal or Motion filed in response to the AAO dismissal, counsel for the applicant checked the box which indicates, "I am filing an appeal. My brief and/or additional evidence will be submitted to the AAO within 30 days." *Form I-290B*, received August 18, 2011. As explained on the cover sheet for the AAO decision of July 20, 2011, an applicant who believes the AAO incorrectly applied the law or who wishes to submit additional information may file a motion to reconsider or a motion to reopen. 8 C.F.R. § 103.5(a)(1)(ii) There is nothing in the regulations allowing for an administrative appeal of an AAO decision.

Consequently, although an applicant may file a motion to reopen or a motion to reconsider an AAO decision pursuant to 8 C.F.R. §103.5, there is no appeal of that decision. Accordingly, the appeal must be rejected.

**ORDER:** The appeal is rejected.