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



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

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Date: **MAR 05 2012**

Office: NEWARK, NEW JERSEY

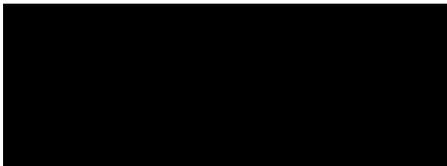
FILE: 

IN RE:

Applicant: 

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.

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 \$585. 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,

Perry Rhew
Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, Newark, New Jersey. On May 19, 2010, the Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the AAO on appeal. The appeal will be rejected.

The record indicates that the AAO issued the decision on May 19, 2010. It is noted that the instructions by the AAO stated that the applicant had 33 days to file a motion, and that the motion was to be filed with the office that originally decided the case. On the Form I-290B, Notice of Appeal, counsel indicated that he was filing an appeal, not a motion. As the applicant filed an appeal instead of a motion, and no appeal is available to the AAO of an AAO decision, the appeal will be rejected.

ORDER: The appeal is rejected.