

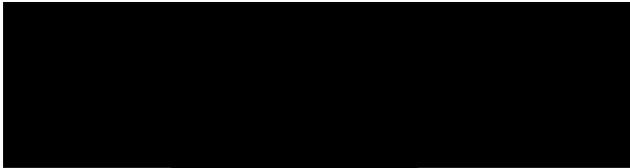
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals, MS 2090
Washington, D.C. 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted] Office: MEXICO CITY (CIUDAD JUAREZ)
(CDJ 2004 575 133)

Date: APR 30 2009

IN RE: [Redacted]

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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. 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. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. 103.5(a)(1)(i).

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the District Director, Mexico City, Mexico. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The record shows that the applicant is a native and citizen of Mexico who entered the United States without inspection in April 1999 and remained in the United States in unlawful status until his voluntary departure in April 2005. He was found to be inadmissible to the United States pursuant to section 212(a)(9)(B)(i)(II) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(B)(i)(II), for having been unlawfully present in the United States for one year or more. He seeks a waiver of inadmissibility pursuant to section 212(a)(9)(B)(v) of the Act, 8 U.S.C. § 1182(a)(9)(B)(v), in order to reside in the United States with his U.S. citizen spouse and children.

In a decision dated June 5, 2006, the director concluded that the applicant had failed to establish that his bar to admission would impose extreme hardship on a qualifying relative and denied the Application for Waiver of Grounds of Inadmissibility (Form I-601) accordingly.

On the Form I-290B, Notice of Appeal, the applicant stated, "The reason for this appeal is to submit evidence of financial hardship for the family of [REDACTED] family [sic]. Letters of evidence are enclosed." The applicant checked the boxes on the Form I-290B indicating that a brief and/or additional evidence were submitted with the form, and also would be submitted within 30 days of the appeal. The record contains no evidence submitted either with the Form I-290B or subsequent to the filing of the appeal. As such, the record is now considered complete and the AAO shall adjudicate the appeal based on the record as presently constituted.

A section 212(a)(9)(B)(v) waiver of the bar to admission resulting from violation of section 212(a)(9)(B)(i)(II) of the Act is dependent first upon a showing that the bar imposes an extreme hardship to the citizen or lawful permanent resident spouse or parent of the applicant. Here, the AAO concurs with the director's conclusion that the evidence of record is insufficient to demonstrate that the applicant's spouse would experience extreme hardship due to the applicant's inadmissibility. Further, the regulation at 8 C.F.R. § 103.3(a)(v) states in pertinent part that:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The AAO finds that the applicant's appeal fails to identify any erroneous conclusion of law or statement of fact in the director's decision. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.